



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

9 April 1992

Thursday, 9 April 1992

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MADAM SPEAKER (Ms McRae) took the chair at 10.30 am and read the prayer.

PETITION

The Clerk: The following petition has been lodged for presentation:

By **Mr Humphries**, from 1,174 residents, requesting that the Assembly reject any attempt to permit the establishment of a free-standing abortion clinic.

The terms of this petition will be recorded in *Hansard* and a copy referred to the appropriate Minister.

Abortion Clinic

The petition read as follows:

To the Speaker and Members of the Legislative Assembly for the Australian Capital Territory:

The petition of certain residents of the Australian Capital Territory draws to the attention of the Assembly that:

ACT law prohibits free-standing abortion clinics;

Your petitioners therefore request the Assembly to:

Reject any attempt to permit the establishment of a free-standing abortion clinic in the ACT.

Petition received.

AGENTS (AMENDMENT) BILL 1992

MS FOLLETT (Chief Minister and Treasurer) (10.32): Madam Speaker, I present the Agents (Amendment) Bill 1992.

Title read by Clerk.

MS FOLLETT: I move:

That this Bill be agreed to in principle.

The Agents (Amendment) Bill 1991 was presented to the Assembly in December of last year and was not debated before the Assembly rose on 17 December. The Agents (Amendment) Bill 1992 represents the culmination of extensive work

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within the industry and government. The Bill amends the Agents Act 1968, which provides for the licensing and registration of real estate, business, stock and station, and travel agents.

The present law does not provide protection to persons who suffer a pecuniary loss as the result of the failure of a licensed real estate, business or stock and station agent to account for trust moneys or property received. This Bill will provide protection in respect of licensed agents through the creation of a fidelity guarantee fund. It will not apply to travel agents, who are already protected by a national compensation scheme. The fidelity guarantee fund will meet claims for actual loss suffered by a client, less any amount recovered or recoverable from a source other than the fund. There will be no statutory limit on the amount payable in respect of any one incident of a failure to account. This will ensure that all clients will be treated equitably.

At present all licensed real estate, business and stock and station agents are required to hold clients' moneys in a trust account at a bank operating in the ACT. These trust accounts do not earn interest. Subject to this new legislation, the banks have agreed to pay interest on these trust accounts which, together with agents' licence, registration and administration fees, excluding those relating to travel agents, will form the income base for the fidelity guarantee fund. The fidelity guarantee fund will be administered by the Agents Board of the ACT, which is responsible for the administration of the Agents Act 1968. The fund will meet the costs of administering the Agents Act as it applies to the operation and the licensing and registration of real estate, business and stock and station agents.

Sufficient moneys will be allowed to accumulate to a level that will enable the fund's compensation obligations under the Act to be met. Any remaining funds will, subject to ministerial approval of the amount, be made available for educational programs relating to real estate matters for agents and members of the public and to enable or assist persons to acquire or rent residential premises.

The Agents Board's investment and financial reporting activities will be undertaken in accordance with the Audit Act 1989. Appeals from decisions of the Agents Board in respect of pecuniary loss or unclaimed trust moneys will reside with the ACT Administrative Appeals Tribunal. The legislation will give ACT residents immediate financial protection and provide the real estate, business and stock and station agents industries with greater scope for development and a more stable environment.

The opportunity has also been taken to incorporate in this latest Bill two additional changes. First, the Bill will remove the requirement that the chairperson of the Agents Board be a public servant. This will provide for a greater degree of flexibility in the selection of a chairperson to reflect the Agents Board's wider role in administering the fidelity guarantee fund. Secondly, the Bill will introduce a common anniversary date for the payment of agents' licence and registration fees, which will streamline the payment and processing of such fees. Madam Speaker, I now present the explanatory memorandum for the Bill.

Debate (on motion by **Mr De Domenico**) adjourned.

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SURVEYORS (AMENDMENT) BILL 1992

MR WOOD (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning) (10.36): Madam Speaker, I present the Surveyors (Amendment) Bill 1992.

Title read by Clerk.

MR WOOD: I move:

That this Bill be agreed to in principle.

Some members may recall that this Bill was introduced into the Assembly last year, but it was not dealt with before the Assembly rose in December. Historically, the surveying and mapping of Canberra have been undertaken by the Australian Surveying and Land Information Group (AUSLIG). However, under self-government, these functions are administered by the ACT Government. To this end, the Government established an ACT Survey Office within the Department of the Environment, Land and Planning.

The transfer of the survey functions to the Territory was delayed because of the review of the resources required by the Territory to fulfil its survey requirements. That review was completed, and as a result the Commonwealth agreed to transfer to the Territory 64 staff, the Belconnen survey depot, valued at \$1.5m, and the necessary equipment and data to carry out the survey function. It has also been agreed that the Territory will make available information from the ACT cadastre to the Commonwealth. The cadastre is the land boundary description defined by the register of deposited plans held at the Land Titles Office and, as such, is in the Territory's possession.

As a consequence of the changed arrangements, it is necessary and appropriate to amend legislation relevant to the survey function to reflect the Territory's independence in this regard and to allow that function to be administered by an officer appointed by the Territory Minister. The Surveyors (Amendment) Bill 1992 amends the Surveyors Act 1967 to provide, at section 5A, for the appointment of the Chief Surveyor. That section, set out in clause 4 of the Bill, also provides for an Acting Chief Surveyor to be appointed. Any person appointed must be a public servant who is entitled to be registered under the Act.

The Surveyors (Amendment) Bill 1992 also provides for all references to the Commonwealth Surveyor-General to be references to the Chief Surveyor. Similarly, the Districts (Amendment) Bill 1992 and the Real Property (Amendment) Bill 1992 which follow amend such references in the Districts Act 1966 and section 64 of the Real Property Act 1925 respectively. Madam Speaker, I present the explanatory memorandum for this and the two subsequent Bills.

Debate (on motion by **Mr Kaine**) adjourned.

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DISTRICTS (AMENDMENT) BILL 1992

MR WOOD (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning) (10.40): Madam Speaker, I present the Districts (Amendment) Bill 1992.

Title read by Clerk.

MR WOOD: I move:

That this Bill be agreed to in principle.

Under self-government, the surveying and mapping of Canberra are administered by the ACT Government. To accommodate this change, the Surveyors (Amendment) Bill 1992 provides for the amendment of the Surveyors Act 1967 so that the ACT survey function will be administered under the Chief Surveyor in place of the Commonwealth Surveyor-General.

As a consequence of the amendment to the Surveyors Act 1967, it is necessary to amend the Districts Act 1966 to allow sections in that Act which are relevant to the survey function to be administered by an officer appointed by the Territory Minister. The Districts Act 1966 provides for the division of land in the Territory into districts, divisions, sections and blocks. The Act also provides for the description of land.

Section 7 of the Districts Act 1966 provides that the Registrar of Titles may not accept a plan for lodgment as a deposited plan unless the Commonwealth Surveyor-General has certified the plan in accordance with the section. The Districts (Amendment) Bill 1992 amends the reference to the Commonwealth Surveyor-General in section 7 to be a reference to the Chief Surveyor.

Debate (on motion by **Mr Kaine**) adjourned.

REAL PROPERTY (AMENDMENT) BILL 1992

MR WOOD (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning) (10.42): Madam Speaker, I present the Real Property (Amendment) Bill 1992.

Title read by Clerk.

MR WOOD: I move:

That this Bill be agreed to in principle.

Under self-government, the surveying and mapping of Canberra are administered by the ACT Government. To accommodate this change, the Surveyors (Amendment) Bill 1992 provides for the amendment of the Surveyors Act 1967 so that the ACT survey function will be administered under the Chief Surveyor in place of the Commonwealth Surveyor-General.

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As a consequence of the amendment to the Surveyors Act 1967, it is necessary to amend the Real Property Act 1925 to allow sections in the Act relevant to the survey function to be administered by an officer appointed by the Territory Minister. The Real Property Act 1925 provides for the declaration of titles to land in the Territory and also facilitates the transfer of land in the Territory. Section 64 of the Real Property Act 1925 provides that, if the requirements as to the deposit of a map or plan referred to in that section are not complied with, or if it is not approved by the Surveyor-General for Australia, then it is not incumbent upon the Registrar of Titles to bring the land under the provisions of the Act or to proceed with the registration of a transfer or a lease. The Real Property (Amendment) Bill 1992 amends the reference to the Surveyor-General for Australia in section 64 to be a reference to the Chief Surveyor.

Debate (on motion by **Mr Kaine**) adjourned.

POWERS OF ATTORNEY (AMENDMENT) BILL 1992

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (10.44): Madam Speaker, I present the Powers of Attorney (Amendment) Bill 1992.

Title read by Clerk.

MR CONNOLLY: I move:

That this Bill be agreed to in principle.

Madam Speaker, this Bill was introduced in November 1991 and set down for debate on the last sitting day of the last Assembly. Unfortunately, it was not dealt with, as other matters intervened. This Bill, except for its year, is unchanged from that 1991 Bill. The background of the Bill is as follows: In October 1989, under the first Follett Government, the Legislative Assembly passed the Powers of Attorney (Amendment) Act 1989 to introduce an enduring power of attorney into the Territory. This met a need arising from a gap in the law which meant that ordinary powers of attorney lapsed when a donor, the person conferring the power, became incapacitated. That made ordinary powers of little use to persons who wished to provide for circumstances when they might become unable to look after their own affairs.

The enduring power of attorney assumes great importance at what may be a time of personal or family crisis when the donor is no longer able to make critical decisions. These decisions may cover property and financial matters, personal matters such as where the person should live, and decisions about medical treatment. The donor may confer the power to operate immediately or at a future date, for example the day before a major medical operation.

Madam Speaker, the enduring power of attorney reforms have been well received by both the legal profession and the community. The standard form for the enduring power of attorney has been styled in simple English and accompanied by explanatory notes. Members will find an example as form 2 in the schedule to the Bill.

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The operation of the new law has been reviewed by my department, and this Bill presents a range of improvements resulting from that process. However, Madam Speaker, there has been one problem and this Bill addresses that also. Since the introduction of the standard enduring power of attorney form, some financial institutions have rejected the instrument because part A is not styled as a deed. Part A is the key part of the form effecting the appointment of the attorney and it authorises the attorney to make decisions about the property of the donor.

Madam Speaker, some of the issues involved are technical and it will take me a minute or two to explain them, but I believe that the Assembly should be aware of them. Centuries ago it became a rule of law that certain dealings, such as dealings in land and powers of attorney, had to be effected by deed. Certain technical rules also became established as to the formalities of a deed. For a legal document to be a deed it must satisfy a number of criteria: The document must be of parchment or paper, the document must be in writing on parchment or paper or the like, and the document must be sealed and delivered. In modern times many of these old rules have been abolished or modified by legislation. Criteria such as sealing are generally accommodated when a person signs a document by way of attestation before witnesses. For example, the New South Wales Conveyancing Act has provided to this effect since 1920, and that legislation is applied in the ACT.

Madam Speaker, new rules of law can be and are made by legislatures, and outdated rules can be and are replaced. This Assembly made a law in 1989 which said that a simple authority in plain English, signed and witnessed, is sufficient to create an enduring power of attorney. That, Madam Speaker, should have been the end of the matter. However, it appears that some financial institutions may believe that the authority for an attorney to sign a deed should itself be in deed form. Consequently, some financial institutions will not accept the ACT's plain English form.

The Government's legal advisers reject that position. However, there are very good reasons for taking the opportunity to remove any uncertainty once and for all. If a financial institution refused to accept a form, the persons who have used the form would be obliged to take the financial institution to court to prove that the form was effective. Rather than encourage unnecessary and expensive legal disputes, often involving people in no financial position to pay for them, the Government had decided to resolve the issue by deeming all such instruments to operate as a deed, irrespective of whether they are strictly in deed form.

The Bill also makes a range of improvements and technical changes as a result of the review of the operation of the law carried out by my department. Since the introduction of the enduring power of attorney in 1989, government agencies have received many inquiries about general powers of attorney, and it appears that there is also a need for a simple form for this purpose. Therefore, the opportunity has also been taken in this Bill to include a general power of attorney form in the schedule to the principal Act. This new form will also help the public to differentiate between a general power of attorney, used, for example, when a person is overseas and unable to attend to his or her local affairs, and an enduring power of attorney which is used when a person becomes incapacitated.

Madam Speaker, the Bill also adds a provision to the principal Act to assist attorneys when the question of whether the donor of an enduring power of attorney was incapacitated becomes an issue. This will provide that a certificate from a medical practitioner will be evidence in proceedings and will generally avoid the cost of obtaining certification or second opinions from a range of experts. For example, it is known that some illnesses associated with ageing mean that a person may have periodic lapses of memory or rational thought. If an attorney acts in good faith while the donor is incapacitated, the attorney should be able, if necessary, to rely upon simple proof to support her or his actions. The Bill makes a range of other minor technical amendments. I draw to the attention of members the fact that form 2 now includes in its headings on page one the notation "This instrument has effect as a deed". The form also has useful reminders near the signature block for witnesses that witnesses must not be related to the donor or donee of the power. Finally, the Bill includes a saving provision which deems all forms already executed to be as valid as if they were in the new modified form. This saving provision protects those who may have completed an old form but who are now not capable of executing a fresh enduring power of attorney. Madam Speaker, I present the explanatory memorandum for the Bill.

Debate (on motion by **Mr Humphries**) adjourned.

CRIMES LEGISLATION (STATUS AND CITATION) BILL 1992

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (10.51): Madam Speaker, I present the Crimes Legislation (Status and Citation) Bill 1992.

Title read by Clerk.

MR CONNOLLY: I move:

That this Bill be agreed to in principle.

This same Bill was presented to the last Assembly but was unable to be debated before that Assembly rose on 17 December 1991. The Crimes Act as it operates within the Australian Capital Territory has its origins in the New South Wales Crimes Act. The Crimes Act 1900 (New South Wales) was in force immediately before the establishment of the ACT and was, therefore, continued in force by the Seat of Government Acceptance Act 1909, an Act of the Commonwealth Parliament. It is for this reason that the Act is conveniently and correctly referred to as the "Crimes Act 1900 (New South Wales), as amended in its application in the Australian Capital Territory by laws of the Territory", or words of similar effect.

The Bill's main purpose is to facilitate the citation of the Crimes Act 1900 without any reference to New South Wales or the qualifying words "in its application in the Territory". In addition, the Bill asserts the status of the Crimes Act as a law of the Australian Capital Territory by deeming it to be an Act of the Legislative Assembly. Aside from the obvious advantage of convenience attaching to the simplified title, this Bill concurs with the principle of self-government by

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removing the reference to New South Wales. To continue the convention of referring to the Act's origin is to ignore the ongoing process of reform, whereby the Crimes Act has acquired a distinctive territorial character. Indeed, over the years, the Act has been amended many times by Commonwealth ordinances and more recently by ACT enactments. Consequently, it now bears little resemblance to the New South Wales Act in its current application across the border. I commend the Bill to members of the Legislative Assembly, and I present the explanatory memorandum for the Bill.

Debate (on motion by **Mr Humphries**) adjourned.

CRIMINAL INJURIES COMPENSATION (AMENDMENT) BILL 1992

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (10.53): Madam Speaker, I present the Criminal Injuries Compensation (Amendment) Bill 1992.

Title read by Clerk.

MR CONNOLLY: I move:

That this Bill be agreed to in principle.

A Bill in identical terms to the Criminal Injuries Compensation (Amendment) Bill 1992 was introduced during the last sittings of the Legislative Assembly but not passed prior to the Assembly rising for the elections.

This Bill amends the Criminal Injuries Compensation Act of 1983 to clarify the references to the Registrar in that Act. The Magistrates and Coroner's Courts (Registrar) Act 1991 altered the titles of the Clerk and Deputy Clerk of the Magistrates and Coroner's Courts to Registrar and Deputy Registrar respectively and made consequential amendments to other Acts, including the Criminal Injuries Compensation Act.

An unintended result is that the Criminal Injuries Compensation Act contains two definitions of "Registrar" - one in reference to the Registrar of the Supreme Court, who performs most of the substantive functions under that Act, and the other to the Registrar or Deputy Registrar of the Magistrates Court. Certain references to the Registrar in the Act are, as a consequence, somewhat unclear.

The Bill removes the definitions of "Registrar" in the Act and inserts into the appropriate provisions words which indicate where the Registrar of the Supreme Court is meant and where the Registrar of the Magistrates Court is meant.

I should add that a commonsense reading of the Act as it presently stands should not cause any difficulties with the ongoing consideration of matters under the Act. This is a Bill which makes purely technical amendments in order to cure a defect in the drafting of the Act. I present the explanatory memorandum for the Bill.

Debate (on motion by **Mr Humphries**) adjourned.

BAIL BILL 1992

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (10.55): Madam Speaker, I present the Bail Bill 1992.

Title read by Clerk.

MR CONNOLLY: I move:

That this Bill be agreed to in principle.

This Bill is very similar to a Bill which I presented to the last Assembly but which was not debated before the Assembly rose on 17 December 1991. Since that time the Bill has been finetuned. The majority of the changes made are technical, but there are a couple of significant changes which I will mention later.

Madam Speaker, it is a fundamental tenet of our common law tradition that a person is presumed innocent until proven guilty by due process of law. A considerable time may elapse between a person's arrest and final conviction or acquittal. Keeping an unconvicted person in custody for extended periods is inconsistent with the presumption of innocence, particularly if that person is eventually acquitted.

Bail is a mechanism to allow a person to go free at times when he or she is not actually required to be in court. Being in custody seriously prejudices an accused. The report published in 1976 of the Bail Review Committee of New South Wales identified the following factors: An accused who is held in custody is more likely to plead guilty; more likely to be convicted if he or she pleads not guilty; and more likely to be sentenced to a gaol term if convicted.

Also, while in custody, an accused is not earning any income and may even be sacked if remand lasts for more than a few days. This will probably mean that his or her family will have to go on social security benefits and may be unable to meet loan or mortgage repayments. This outcome is unacceptable for a person who is unconvicted and therefore presumed innocent.

More importantly, it is difficult, if not impossible, to prepare an adequate defence while in custody. To prepare a defence, you need free access to your lawyer and free movement to find witnesses and prepare evidence. The rules and regulations which are necessary for the effective running of a remand centre impede this.

On the other hand, Madam Speaker, the community has a legitimate expectation that an accused person will stand trial and that the course of justice will not be obstructed. An accused person may justifiably be held in custody pending trial if he or she is likely to abscond or interfere with evidence or intimidate witnesses.

Under the present law in the Territory, bail is a type of security under which the accused usually undertakes to appear in court under pain of forfeiting a specified sum of money. The accused normally has to provide a guarantor to the undertaking as well, who also stands to forfeit a sum of money if the accused fails to appear in court on the appointed day. This person is called a surety. Originally, the surety was a kind of personal gaoler; but that function has long been extinct, although the surety's right to arrest the accused without warrant remains. The Bill will abolish that right, because it is no longer appropriate in today's society, and will confer substitute powers on the police.

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Bail may be granted by the Supreme Court, the Magistrates Court, or a senior police officer in certain circumstances. The current state of the law in relation to bail is unsatisfactory. First, it is difficult to determine what the applicable law is because it is scattered over so many sources. In particular, the police have no comprehensive statutory guidelines to help them determine whether to grant or refuse bail. These criteria are found only in reported cases stretching back some 100 years.

Second, the existing law puts undue emphasis on the accused's financial means as the criterion for bail. This effectively discriminates against the poor or those who are new in a community and who do not have family or friends to act as surety. Those without the necessary resources have no option but to remain in custody and suffer all the disadvantages I described earlier.

The Bill consolidates the law of bail into one easily accessible Act. It will deal comprehensively with all aspects of bail. That is, in what circumstances is bail to be available? What criteria may be taken into consideration? What conditions may be attached to bail? How is bail to be enforced? When and how are bail decisions to be reviewed?

The new legislation will apply to child offenders as well as to adults and at any stage of the prosecution process up until sentencing. Few of the underlying principles of the Bill are radically new. Mostly, it re-enacts established law. Where it does make great advances is in procedures and in the emphasis placed on certain issues. One of the Government's primary objectives is to reduce reliance on money bail and to promote consideration of facts more directly relevant to the underlying purpose of bail - namely, will the accused person appear in court for trial?

There are several other innovations in this Bill. First, there is to be a statutory right to unconditional bail where the offence charged is punishable by a fine only or by no more than six months in gaol. This right will not extend to offenders who have in the past breached bail, who are in some way incapacitated and consequently need physical protection or who are already serving a prison sentence after being convicted for some other offence. The reason for this provision is that it is simply not appropriate to hold someone in custody pending trial for an offence for which that person either cannot be gaoled at all or can be gaoled for only a short time. In all other cases there will be a statutory presumption in favour of bail unless the prosecutor establishes a convincing case for why bail should not be granted.

Next, the Bill exhaustively specifies the only criteria which a court or police officer may take into account when deciding whether to grant or refuse bail. In this context, the Bill has been amended since its presentation to the last Assembly so that clause 22 now becomes the single source of reference for the general criteria for bail. These criteria fall into three categories - evidence relevant to whether the accused will appear on the appointed day to stand trial; matters concerning the accused's interests, especially his or her physical or mental state, his or her employment, whether there are any dependants who will be affected and the need to prepare a defence; and, finally, matters relating to the community's interest, that is, to ensure that the accused stands trial and that no-one tries to subvert the course of justice. None of these criteria is new. They are all well-established common law principles.

Bail will be contingent on the accused signing a written undertaking to appear in court when required. It will be an offence punishable by a maximum fine of \$20,000 or two years in gaol to fail to honour this undertaking. This threat of criminal sanctions should be the primary means of enforcing bail, rather than forfeiture of a sum of money.

As a rule, it is preferable for bail to be granted unconditionally, but in some cases conditions are necessary. For example, the accused has to report periodically to the police or must stay away from a particular person or premises. The Bill spells out the purposes for which conditions may be attached to bail. It exhaustively lists the types of conditions which a court or authorised police officer may impose, lists those conditions in a descending hierarchy and directs that the least onerous condition which achieves one of the permissible purposes is the one to be imposed.

The hierarchy of conditions ranges from those regulating the conduct of the accused to a requirement that a third party - in effect, a surety - deposit a sum of money which will be forfeited if the accused breaches bail. Some conditions are in the accused's best interest. For example, for the first time a court has clear statutory authority to order an offender who is a drug addict to attend a rehabilitation program as a condition of his or her bail. The accused may ask for a more onerous condition if that is more convenient. For example, an accused may prefer to deposit a sum of money.

Often an accused person stays in custody because he or she does not know about bail or feels that it is all too bewildering and complex to bother about. To avoid that as much as possible, the Bill imposes a duty on the arresting police officer to notify an accused of his or her rights to apply for bail and what the procedure involves. "Notification of rights" here includes access to a lawyer, an interpreter, or a relative or friend in appropriate cases. Where a court or an authorised police officer refuses bail or imposes conditions on bail, each must record reasons for doing so.

Part VI of the Bill sets out comprehensive review provisions. In general, any bail decision may be reviewed on its merits and a substitute order made, by either the same court or, except in the case of the Supreme Court, a higher court. Decisions of authorised officers may be reviewed by a magistrate. Since the Bill was last presented, we have taken account of a recommendation of the Royal Commission into Aboriginal Deaths in Custody by incorporating a new division in Part VI of the Bill providing for internal review of police bail which will allow an accused to request a review of a bail decision by the same or another authorised police officer without having to wait to go before a court. However, review of police bail decisions by a court will still be possible.

Sometimes an accused person stays in custody because a court has imposed a condition which he or she cannot satisfy. The Bill therefore casts a duty on the officer in charge of the remand centre to notify the court if this happens. The court may then, of its own motion or on application, review the conditions and either change them, grant unconditional bail or refuse bail.

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Under the present law, many are released on bail by a senior police officer. I see no reason for this to change. It is sufficient and convenient for all concerned and frees the court from having to consider routine bail applications for minor offences. But the present law is deficient in not providing the police with full and clear guidance on the criteria for granting bail in all cases. The Bill remedies this. For the first time the criteria for granting bail and permissible conditions which may be attached to bail are set out in ACT legislation. These, of course, apply equally to a court. But the Bill also sets out in some detail the procedures which an authorised officer - which means, in effect, a senior police officer at the relevant station - must follow when granting bail.

The Bail Bill is the most significant criminal law reform ever put before this Assembly. It takes hold of a difficult and abstruse law which directly affects the whole community and remoulds it into a clearer and more easily accessible whole. I believe that it effectively balances the interests of both the accused and the community. It makes extensive provision to ensure that accused persons get all the information they need about bail and that bail decisions are based on information relevant to the underlying objective of ensuring that accused persons stand trial. I commend the Bill to the members of the Assembly, and I present the explanatory memorandum for the Bill.

Debate (on motion by **Mr Humphries**) adjourned.

BAIL (CONSEQUENTIAL AMENDMENTS) BILL 1992

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (11.05): Madam Speaker, I present the Bail (Consequential Amendments) Bill 1992.

Title read by Clerk.

MR CONNOLLY: I move:

That this Bill be agreed to in principle.

The Bail (Consequential Amendments) Bill 1992 is cognate with the Bail Bill 1992, which I have just introduced. The same Bill was presented to the last Assembly and was similarly not debated before the Assembly rose. The Bill proposes a series of amendments to other Territory Acts which affect or refer to bail, to ensure that there are no provisions elsewhere which may conflict with the proposed bail legislation. In particular, the amendments insert terminology which is consistent with that proposed in the Bail Bill. For example, the old, arcane word "recognisance" will be replaced by the term "bail undertaking" when used in connection with bail granted to an accused person.

Express references to the proposed Bail Act are inserted where needed. The Bill also repeals bail provisions wherever they occur in other Acts. The proposed Bail Act is intended to be the principal and only source of bail law and will replace all the repealed provisions. The main Acts affected are the Crimes Act 1900 of New South Wales as it applies in the Territory, the Magistrates Court Act 1930, the Domestic Violence Act 1986 and the Children's Services Act 1986, all of which currently contain extensive provisions dealing with bail.

There is also a transitional provision which applies the existing law to persons released on bail before the new legislation comes into force. It is for this reason that section 358AI of the Crimes Act, which makes it an offence to breach bail, remains in place for the time being. Clause 46 of the Bail Bill, which proposes the same offence, will not apply to those persons.

The provisions of this Bill are necessary to give full effect to the proposed Bail Bill. They are technical and do not make any substantive changes to the law which are not already proposed in the Bail Bill. I commend the Bill to the members of the Assembly and present the explanatory memorandum for the Bill.

Debate (on motion by **Mr Humphries**) adjourned.

EQUAL EMPLOYMENT OPPORTUNITY LEGISLATION
Suspension of Standing and Temporary Orders

Motion (by **Mr Connolly**) agreed to:

That so much of the standing and temporary orders be suspended as would prevent -

- (1) The presentation together of the following ten Bills (of which notices have been given) which propose the implementation in ACT statutory authorities of the policy of equal employment opportunity and the merit principle with respect to appointment and promotions:

Milk Authority (Amendment) Bill 1992;
ACT Institute of Technical and Further Education (Amendment) Bill 1992;
Canberra Theatre Trust (Amendment) Bill 1992;
Legal Aid (Amendment) Bill 1992;
National Exhibition Centre Trust (Amendment) Bill 1992;
Long Service Leave (Building and Construction Industry) (Amendment) Bill 1992;
Teaching Service (Amendment) Bill 1992;
Fire Brigade (Administration) (Amendment) Bill 1992;
Electricity and Water (Amendment) Bill (No. 2) 1992;
Cemeteries (Amendment) Bill 1992; and

- (2) One motion being moved and one question being put in regard to, respectively, the agreement in principle, the detail stage and agreement to the Bills.

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MILK AUTHORITY (AMENDMENT) BILL 1992
A.C.T. INSTITUTE OF TECHNICAL AND FURTHER EDUCATION (AMENDMENT)
BILL 1992
CANBERRA THEATRE TRUST (AMENDMENT) BILL 1992
LEGAL AID (AMENDMENT) BILL 1992
NATIONAL EXHIBITION CENTRE TRUST (AMENDMENT) BILL 1992
LONG SERVICE LEAVE (BUILDING AND CONSTRUCTION INDUSTRY)
(AMENDMENT) BILL 1992
TEACHING SERVICE (AMENDMENT) BILL 1992
FIRE BRIGADE (ADMINISTRATION) (AMENDMENT) BILL 1992
ELECTRICITY AND WATER (AMENDMENT) BILL (NO. 2) 1992
CEMETERIES (AMENDMENT) BILL 1992

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (11.09): Madam Speaker, I present the following Bills: The Milk Authority (Amendment) Bill 1992, the ACT Institute of Technical and Further Education (Amendment) Bill 1992, the Canberra Theatre Trust (Amendment) Bill 1992, the Legal Aid (Amendment) Bill 1992, the National Exhibition Centre Trust (Amendment) Bill 1992, the Long Service Leave (Building and Construction Industry) (Amendment) Bill 1992, the Teaching Service (Amendment) Bill 1992, the Fire Brigade (Administration) (Amendment) Bill 1992, the Electricity and Water (Amendment) Bill (No. 2) 1992 and the Cemeteries (Amendment) Bill 1992.

Titles read by Clerk.

MR CONNOLLY: Madam Speaker, I move:

That these Bills be agreed to in principle.

These 10 Bills were introduced in December last year but lapsed with the expiry of the First Assembly. These Bills are almost identical. They are cognate Bills forming part of the Government's package of legislation designed to promote equality of opportunity in the workplace and the application of the merit principle with respect to the appointment and promotion or advancement of staff within ACT statutory authorities. They complement the Discrimination Act 1991.

While ACT statutory authorities voluntarily exercise equal employment opportunity principles as a good employment practice, the formalisation of EEO through the enactment of these Bills attempts to eliminate discrimination in employment, whether intentional or not. The statutory provision for the development of equal employment opportunity policies and programs also heightens the awareness of all current and prospective employees of their rights and obligations under law. It also well and truly establishes that equal employment opportunity policies and programs are the responsibility of each authority in its employment practices.

This Government is committed to eliminating unjustified discrimination and ensuring equal employment opportunity for everyone, and we would be failing that commitment if we did not introduce these measures to ensure consistency in the law between statutory authorities and other areas of public sector employment.

The Bills amend the enabling legislation of ACT statutory authorities in relation to employment to include the application of the merit principle, anti-discrimination provisions and the implementation of equal opportunity programs. I will discuss each aspect in turn.

In relation to the application of the merit principle, the Bills establish that the fundamental criterion for all decisions and assessments for appointment, promotion or career advancement is merit - that is, the relative suitability of those who are eligible for the position in question, given the nature and requirements of the job, and their abilities, qualifications, experience, personal qualities and potential for development. In other words, Madam Speaker, the position is to go to the best available person. That clearly applies to the Government in the last election.

Those who are eligible for employment are to be ensured, as far as is practicable, a reasonable opportunity to apply for employment or promotion. Madam Speaker, this does not mean that impractical measures have to be taken or that unreasonable and unaffordable advertising and selection procedures are required for appointment and promotion.

There is a difference in the size and functions of the various statutory authorities in the ACT, and this may mean that what would be reasonable and practical for one authority - for example, ACTEW, a very large authority - would not be so for another, for example, the Cemeteries Trust. The legislation makes it clear that practicality and reasonableness are the benchmarks for necessary procedures. The fundamental requirement is, Madam Speaker, that, whatever the specific practices and procedures adopted by an authority, they are to be based on the principles of merit and provision of equal employment opportunity for all who may reasonably be involved.

In relation to prohibition of discrimination in employment, the Bills also provide that each authority's powers in relation to employment of permanent staff shall be exercised without patronage or favouritism. This requires that recruitment, appointment, promotion or advancement, work conditions, staff development and any other matter related to employment will be carried out without unjustified discrimination as established by the Discrimination Act 1991, and unjustified discrimination on the ground of age or social origin.

Discrimination will be justified, however, where it is essential for the effective performance of the work involved. The legislation also permits discrimination which is not unlawful and which is in accordance with an equal employment opportunity program established by regulation. Special provision may be made for designated groups, which include members of the Aboriginal race or descendants of indigenous inhabitants of the Torres Strait islands, migrants whose first language is not English and the children of such migrants, physically or mentally disadvantaged persons, and any other class of persons prescribed by regulation to be a "designated group".

In relation to equal employment opportunity programs, the legislation also provides for the development by each of the authorities of an equal employment opportunity program after consultation with relevant staff organisations and others considered appropriate by the responsible officer or body. An equal employment opportunity program is to be designed to ensure that, in relation to

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employment matters, appropriate action is taken to eliminate unjustified discrimination against women and persons in designated groups. It will require the examination, identification and elimination of discriminatory employment practices. It is also to involve measures that will enable employees who are women or persons in designated groups to compete for transfer and to pursue careers within the relevant authority as effectively as any other person and to have equal opportunity with them in relation to all other employment matters.

This program is to be in writing and regularly reviewed by the management of the authority, which is accountable to the Head of Administration for carrying out the program. The Head of Administration may issue guidelines on its provisions. An annual report is to be made to the Minister responsible for the authority concerned.

Madam Speaker, again I wish to make it clear that measures adopted by the smaller authorities in establishing equal employment opportunity programs will not have to be as extensive or complex as those of the larger authorities. Also, EEO plans may be adapted to the particular nature and needs of the authority involved. Details can also be dealt with in the guidelines as established by the Head of Administration.

Amendments to the Fire Brigade (Administration) Act have proved to be more complex than those relating to other statutory authorities because of the need to remove outdated provisions concerning, for example, promotions made on the basis of seniority. The Fire Commissioner may publish in the *Gazette* such matters as the requirements for appointment as a member of the brigade or for promotion to a higher rank, including relevant academic requirements. The manner of determining the order of selection, which according to the Bill is to be based on merit, may also be published.

The Fire Brigade (Administration) (Amendment) Bill will give the Fire Commissioner discretion to promote a firefighter, subject to appeal to a committee convened by the Commonwealth Merit Protection and Review Agency. Before promoting a member, the commissioner must publish in the *Gazette* an invitation for members to apply for promotion, and the promotion must be within six months of this publication. Applicants are to be ranked in order of relative efficiency for the rank and appointment given to the member, or in the case of multiple promotions those members, ranked the most efficient of the applicants.

The Bill also establishes the meaning of "efficient", and I note that this is couched in the same terms as those establishing what is meant by "merit". Alternatively to promoting at his or her discretion, the commissioner may promote a member in accordance with recommendations by a joint selection committee convened by a nominee of the Minister. Other members of the joint selection committee will be a person nominated by the Fire Commissioner and one by the union. Similar requirements for the publication of an invitation to apply for promotion, the carrying out of the promotion within six months of publication and the ranking of applicants according to efficiency apply to promotion based on a joint selection committee recommendation.

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A member cannot appeal a promotion made on the recommendation of a joint selection committee. In the event that the commissioner does not accept the recommendation of the joint selection committee, he or she may choose to promote someone else instead, but this would be subject to appeal through the Merit Protection and Review Agency. All promotions are to be notified in the *Gazette*.

These proposed provisions are, subject to necessary modifications, similar to the equivalent provisions of the Commonwealth Public Service Act 1922. They eliminate the former regulations which established seniority as a major basis of eligibility for promotion and the deciding factor where two or more candidates for a single promotion are otherwise equally qualified. Of course, there has been full and appropriate consultation between the Government and the relevant union in relation to those procedures.

The amendments relating to the Teaching Service and the Electricity and Water Authority also need to be referred to in some detail. The Teaching Service already has provisions in its enabling legislation requiring the establishment of equal employment opportunity programs, which has resulted in EEO programs already existing in components of the service. We have provided that these remain in force, and for the establishment of such programs in those components in which they do not currently exist.

Each separate component of the Teaching Service is to review the effectiveness of its program and to provide details to the Head of Administration, who can, as with the other authorities, issue guidelines. There are also the provisions, which are also contained in the other Bills, relating to the application of the merit principle in the appointment and promotion of staff.

The Electricity and Water Act likewise currently requires the development and review of EEO programs. Again the amendment Bill makes the wording of the provisions consistent with the other Bills and applies the merit principle to the appointment and promotion of staff.

There should be no direct impact on government revenue or expenditure in relation to these Bills. It is anticipated that the authorities concerned will absorb any additional expenditure involved in what I am convinced is sound and efficient management practice. In fact, in most instances equal employment opportunity programs have been shown to result in savings in the long run because the work force is more effective and efficient as it comprises the best candidates for the work involved.

Madam Speaker, these amendments will ensure that ACT statutory authorities have procedures to ensure a reasonable opportunity to apply for employment by those who are eligible, and selection based on merit. The equal employment opportunity programs will provide for the examination, identification and elimination of discriminatory employment practices. These measures will ensure that legislation for ACT statutory authorities is consistent with that of the ACT public service. I now present the explanatory memoranda for these Bills.

Debate (on motion by **Mr Kaine**) adjourned.

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TRAFFIC (AMENDMENT) BILL 1992

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (11.20): Madam Speaker, I present the Traffic (Amendment) Bill 1992.

Title read by Clerk.

MR CONNOLLY: I move:

That this Bill be agreed to in principle.

This Bill amends the Traffic Act 1937 to provide for the compulsory wearing of bicycle helmets by all cyclists and their passengers on public roads and in public places, an increase in the maximum general fine under the Traffic Act 1937 from \$100 to \$500, and the repealing of the Traffic (Amendment) Act 1987, which has never commenced operation.

The proposal to make bicycle helmet wearing compulsory forms an essential part of the Prime Minister's 10-point package of road safety initiatives to be implemented in return for funding to eradicate accident black spots. This initiative was originally agreed to by the Alliance Government and has been endorsed by the present Labor Government as an effective road safety measure.

There is overwhelming evidence that shows the lifesaving benefits of bicycle helmets. Two-thirds of all injured cyclists admitted to hospital have sustained a head injury. Head injuries are the primary or contributing cause of death in approximately 80 per cent of bicycle fatalities.

Over the last two years in the ACT a total of four people have died as a result of cycle accidents, two of whom suffered head injuries. Of the 18 cyclists who were admitted with injuries in 1991, seven suffered head injuries, none of whom were wearing helmets, and 11 were admitted with other injuries. Of these 11, five were wearing helmets. In other words, none of the five helmet wearers who were hospitalised sustained head injuries, whereas seven of the 13 hospitalised non-helmet wearers did sustain head injuries. In 1990, of the 17 cyclists admitted to hospital, five wore helmets, none of whom suffered head injuries. Four of the 12 cyclists who were not wearing helmets suffered head injuries.

Cycle injuries add a significant strain to public expenditure on health care. The Bureau of Transport and Communications Economics estimated that the hospital, medical and rehabilitation costs alone, in 1988 dollars, of each road accident victim in Australia averaged over \$6,000. The cost to the ACT health system in 1991 of cycle accidents alone was well over \$100,000. The introduction of this legislation will reduce the number of serious head injury cycle accidents, which in turn will reduce the pressure on the already strained hospital system, as well as significantly reducing the pain and suffering of the community.

No general exemptions from wearing helmets are provided in this legislation as I feel that the risk of serious injury through a cyclist being involved in an accident and not wearing a helmet should be avoided at all costs. The only exemptions that the legislation will allow are for overseas riders competing in bicycle races. Failure to offer exemptions under these circumstances may jeopardise the ACT's participation in international bicycle races.

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I intend that this legislation should be implemented within the next six months. Offering up to six months' grace will allow cyclists time to purchase approved helmets before this legislation commences operation and is enforced. I do not intend for its introduction to be staged, as was done in New South Wales. With the extensive publicity associated with the introduction of compulsory helmet wearing in New South Wales, as advertised on regional television, and with specific publicity to be undertaken by my department, I feel that the Canberra community would be well aware of the impending requirements by the time this legislation is introduced.

The Department of Urban Services road safety unit has also been working for some time in Canberra schools, stressing the importance of wearing bicycle helmets as a road safety initiative, and will continue to do so after this legislation has been introduced.

The introduction of this legislation follows an amendment to the Australian standard for bicycle helmets which allows new lightweight, well-ventilated, soft-shell helmets onto the market, which will further encourage the wearing of helmets by cyclists.

This Bill also proposes to amend the general penalty provision of the Traffic Act 1937 to increase the maximum fine that can be issued by the courts from \$100 to \$500. I stress that this provision affects only the maximum fine enforced under the Traffic Act 1937 for offences that do not attract specific fines themselves. This maximum fine has not increased since 1984, and there have been significant increases in on-the-spot fines for specific offences since then.

I take this opportunity to also repeal the Traffic (Amendment) Act 1987, which empowers the relevant Minister to determine fees for the conduct of bicycle races or trials on public roads. This Act has never commenced operation. Given that such races and trials occur rarely, a fee setting mechanism is no longer considered necessary.

With Canberra enjoying an extensive bicycle path network and a beautiful riding environment, our city is ideally suited for cyclists. I feel that the introduction of this Bill will significantly improve the safety of all cyclists, which in turn will increase the level of enjoyment that cycling will bring to the ACT community. I now present the explanatory memorandum for this Bill.

Debate (on motion by **Mr Westende**) adjourned.

ADMINISTRATION AND PROCEDURES - STANDING COMMITTEE
Reference on New Assembly Premises

MS FOLLETT (Chief Minister and Treasurer) (11.25): Madam Speaker, I move:

That:

- (1) The Standing Committee on Administration and Procedures shall inquire into and report on the provision of new premises for the Legislative Assembly. In doing so the Committee shall:

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- (a) examine the future accommodation needs of the Legislative Assembly including:
- (i) the Chamber and associated recording, audio, and other facilities;
 - (ii) Committee and other meeting facilities;
 - (iii) accommodation for the Speaker, the Executive and other Members, the staff of the Speaker, Executive and other Members, the Assembly Secretariat, and the media;
 - (iv) library facilities;
 - (v) access for members of the public visiting the Assembly building; and
 - (vi) other facilities and services necessary for the functioning of the Executive and the Assembly and its Committees;
- (b) consider an optimum layout design for the Chamber to facilitate the workings of the Assembly;
- (c) consider the redesign and refurbishment of the South Building as the new Assembly building; and
- (d) consider any matters incidental to the foregoing matters.
- (2) In its examination, the Committee shall take account of:
- (a) the requirement to co-locate with the Assembly certain areas of the Chief Minister's Department, given the need for close interface between those areas and the Executive; and
 - (b) the need for efficiency and economy in the functioning of the Assembly and the Executive, and in the provision of the new premises.
- (3) The Committee shall report by the last sitting day of the 1992 Autumn sittings.

Madam Speaker, in my speech to the Assembly on its first sitting day I foreshadowed at that time that one of the immediate tasks facing us as an Assembly is to plan for modest and appropriate accommodation for the Assembly in the future. I also indicated that I believed that the issue would be best progressed through the Assembly's committee system. In view of the responsibility which the Administration and Procedures Committee has for such matters as advising on members' entitlements, including facilities and services, and the operation of the Assembly's *Hansard* service and the Assembly's library, it seems to me to be the most appropriate committee to take on this inquiry.

The proposed terms of reference, I believe, will ensure that the inquiry takes full account of the accommodation needs of the Assembly and that the outcome will have due regard to the need for efficiency and for economy, both in the functioning of the Assembly and the Executive and in the provision of new premises. In principle, as I have said before, the Government favours the South Building as the new location for the Assembly, and it is therefore proposed that the committee consider the viability of refurbishing that building for this purpose.

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Madam Speaker, the issue of long-term accommodation for the Assembly is important, both in a practical sense and in a symbolic sense. Self-government has now reached maturity with the election of this Second Assembly and it is time to settle the Assembly's long-term location as quickly as possible. I believe that the inquiry is an essential first step in this process.

I believe also, Madam Speaker, that it is very important that we establish, as quickly as possible, the identity of this Assembly. It is too often, when you speak to people in the community, that they ask, "Where is it?". They do not know. When you try to explain in which office block amongst the many in this part of Civic we have our location, it is obvious that we have not a strong identity, and we must establish that.

For members of this Assembly who, like me, were members of the old House of Assembly before self-government, the South Building, I think, does recommend itself. It worked well in those days as a chamber and worked well, I think, in providing an identity as well. That is the reason why, in principle, I support that building, and it is in an accessible and readily identifiable location. I also support that building in principle because, Madam Speaker, whilst refurbishment would cost some money, we would not have to pay rent on it. It is a building which we own. That would be a recurrent saving of around \$2m a year - not an insubstantial amount.

I commend the motion to the Assembly, Madam Speaker, and I trust that members will support it. I would like to wish the committee all the very best in considering this matter because I know that there will be a diversity of views and probably a diversity of expectations.

MR KAINE (Leader of the Opposition) (11.29): I support this motion. It is quite clear that it is time to establish the Legislative Assembly of the ACT as a body with some status in this community. It has suffered for the past three years for a number of reasons in terms of its status and its standing, and in the longer term it is imperative, I think, that it be established as a legitimate body and one which commands the respect of this community. One of the ways of doing that is to provide suitable accommodation for it. There can be little argument that the accommodation that we have occupied for the last three years is totally inadequate and unsuitable, so a change has to be made.

I endorse the proposal being put forward by the Chief Minister. The South Building on the Civic Square has been associated with elected representative bodies of the ACT certainly since 1974, up until the dissolution of the old House of Assembly in 1986. It is a location that people will recognise as one that has been associated over many years with elected bodies, whether legislative or not. So, I think it is an appropriate one.

The argument that the Chief Minister puts forward on the \$2m a year rental, of course, is a persuasive one. It is far better for the Assembly to meet in a building that is owned by the community than in one that is rented at great cost. So, for those reasons I support the reference to the committee and I hope that they can come up with a quick conclusion that this is a good thing to do.

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I propose two minor amendments to the motion, however. The first is that the Leader of the Opposition be recognised in subparagraph (1)(a)(iii) as well as the Speaker and the Executive, and in subparagraph (1)(d) I think that special mention should be made of the provision of adequate parking.

One of the problems at the moment is that not all staff members have parking available to them. Even for those to whom it is available, some spaces are located in a building remote from this one. I discussed this matter with you, Madam Speaker, so you know what I am talking about. I think it is unreasonable that women staff members should be expected to go to remote locations late at night, after this Assembly has adjourned, to find their car in a car parking space three levels down which is often dark, the lights having been turned off. I think it is unsafe and unacceptable. If we are going to convert the South Building into a suitable home for the Legislative Assembly for the future, then, clearly, adequate provision not only for members but also for staff must be provided.

With those two amendments - they have been circulated - I endorse Ms Follett's motion.

MADAM SPEAKER: Mr Kaine, are you seeking leave to move those amendments together?

MR KAINE: Yes.

Leave granted.

MR KAINE: I move the following amendments:

- (a) Subparagraph (1)(a)(iii), after "the Executive" (twice appearing), insert "the Leader of the Opposition".
- (b) Subparagraph (1)(d), after "matters", insert "including adequate parking accommodation for all Members and staff".

MR MOORE (11.32): Madam Speaker, I believe that it is appropriate for me to speak to both the motion and the amendments at this point, so that is what I will do. I think it is an appropriate reference to the Standing Committee on Administration and Procedures. I think it is a matter of great importance in establishing how the Assembly is going to operate in due time.

I have always felt that it is entirely inappropriate that we are in premises that we rent, not only from the financial point of view but also from the point of view of recognising that a parliament ought not be subjected to somebody else's decision as to whether or not it actually exists in the building in which it is operating. That is not the appropriate way to go.

The amendments put by Mr Kaine are interesting. I understand the importance of what he is raising; they are matters that are appropriately added to the motion. I think the Administration and Procedures Committee would have taken them into consideration anyway, judging by the people who are on it. If other members feel that there is another issue that we have missed - I notice that the location of Independent members is not mentioned, and I have no intention of adding that - - -

Mr Cornwell: It is only a temporary arrangement, Michael.

MR MOORE: I hate to tell you this, Greg; but we are going to be around for a long time as a thorn in the side. It is a bit of a problem. It may not be us personally, but there will be enough of us around. The point is that I am delighted to take into account any other issues that somebody may wish to raise. I think that is the nature of such committees and I look forward to weighing up the issues.

I am not totally convinced that the South Building is the most appropriate building at this stage. That is one of the reasons why it is appropriate that this go to a committee to determine whether or not that is the appropriate building. There are other buildings in the ACT already that I think we should at least weigh up. It may well be that other buildings that we weigh up are eliminated very rapidly. Nevertheless, I think it appropriate that we should consider them. I would be delighted should anybody like to suggest a building such as the Curtin school or something along those lines that has been closed. That might be more appropriate and I would be delighted to consider using those areas.

Mr De Domenico: The Reid Pre-School?

MR MOORE: I hear an interjection from Mr De Domenico that the Reid Pre-School would be an appropriate site. It is in an absolutely delightful spot; there is no question about that. It would be a beautiful location for a parliament. The building itself has some heritage value and would not really be appropriate for modification to Assembly size, although, with its two rooms and toilets, the size of it would suit Mr De Domenico, and it may well suit some other members. However, I think it is important for us to take this matter reasonably seriously. With those few words, Madam Speaker, I indicate that I support the motion.

MR HUMPHRIES (11.36): I am also happy to support the motion. As one of those who have laboured in this building - I use the word advisedly - there is great relief at the prospect of our being able to move to accommodation which is more suitable. Someone pointed out that this is a very salubrious address - No. 1 Constitution Avenue - but that is the only thing about it that is salubrious. I understand that this chamber used to be a shopfront for some government agency.

Mr Kaine: It still is.

MR HUMPHRIES: Perhaps it is. The rest of the building is basically office accommodation which is substantially but not wholly appropriate to the functioning of a working legislature, and in my view it is extremely appropriate that we consider alternative accommodation. Mr Moore has raised the prospect of moving somewhere other than the South Building. I am not sure that the motion Ms Follett has brought forward accommodates that.

Mr Kaine: What about Ian Potter House? That would be fantastic.

MR HUMPHRIES: Yes, Ian Potter House, or Beauchamp House as it used to be known. That would be a very appropriate - - -

Mr Lamont: You cannot move to Beauchamp House. Your mate Michael Hodgman gave it away.

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MR HUMPHRIES: Perhaps he did, but there are other possibilities. I have put on record in the past my own view that we ought at some stage to consider accommodation in the old Parliament House across the lake.

Mr Kaine: What about the old Royal Canberra Hospital? That would be a good site.

MR HUMPHRIES: I sense, Madam Speaker, a certain reluctance to consider this proposal. I am not sure whether the terms of reference accommodate considering options other than the South Building; I sincerely hope that they do. But there are other options. Someone mentioned the old Royal Canberra Hospital site - a magnificent site and a building which is considerably underutilised at the present time. Perhaps that is a suitable site as well.

We ought not to close our minds to the prospect of a place outside the city centre because parking is a very great problem for constituents who want to come and see us in this place. I have met many times with people who have had to say, "I have to go now. I have a meter running down there and I cannot afford to hang around here and talk to you any longer"; so off they have rushed.

Mr Kaine: What about if we rent space from the Lyons Primary School?

MR HUMPHRIES: The Lyons Primary School, suggests the Leader of the Opposition - indeed a very interesting suggestion and one which I hope is being considered by this committee. Madam Speaker, seriously, the accommodation question needs to be properly examined, and questions such as whether the Assembly needs to have access to other parts of the Administration, such as a library incorporated in the Administration's facilities, access to the Chief Minister's department as the motion mentions, and matters of that kind, are all quite important. I sincerely look forward to better accommodation and a better infrastructure and better integration of services for the new Assembly.

I think reference was made to having an identifiable space as the ACT Parliament, a place which people knew to be only the Assembly, not something else thrown in as well, such as the Housing Branch or whatever. I am not sure whether that indicates that the Government foreshadows having the whole of the South Building available to the Assembly. It is a large building with, I think, three storeys.

Ms Follett: Two.

MR HUMPHRIES: Two storeys, is it? I thought it had three, but I will take the Chief Minister's word on that.

Mrs Grassby: There is the ground floor, plus two above it.

MR HUMPHRIES: That is three storeys. Maybe three storeys is a bit much for us to use, but perhaps we could expand; I do not know. In any case, Madam Speaker, I welcome this motion as an important step towards - - -

Mrs Grassby: Excuse me; I will go and check.

MR HUMPHRIES: We are having people go outside to check whether it is two or three storeys. We will wait for an update on the exact size of the building. I do not want to be on the third floor, if I have to walk down two storeys when there are division bells, particularly if it has only two storeys. I do not mind sunbaking, but I resent being out there when it is raining. Do we have a verdict on the number of floors?

Mrs Grassby: No. I still say that it is three; Terry says that it is two. I am not sure.

MR HUMPHRIES: I see. As we can see, there are divisions within the Labor Party even on matters as fundamental as that.

Mr Kaine: They never could count.

MR HUMPHRIES: They never could count. Madam Speaker, I commend the motion.

MS FOLLETT (Chief Minister and Treasurer) (11.41): I thank members for their comments and their support of this motion. I will indicate straightaway that the amendments moved by Mr Kaine are acceptable to the Government and we will be supporting them.

I think it is pretty fair to say that the debate in the Administration and Procedures Committee is going to be pretty lively. It is clear that people have fairly strong views about an identity and a permanent home for the Assembly. I would like to say to members that, in arriving at an in-principle position on the South Building, we in the Government did consider other options. I can assure you of that. The South Building appeared to be the most appropriate and affordable, and also is available. We have done a bit of that groundwork.

I would also like to say that I am surprised that members have found the accommodation in this building so inadequate that they feel that they should comment on it. I think that the people who set up this Assembly, particularly the chamber, did a very good job, as an interim measure. It was clearly an interim measure. But we have been working here for three years now and the chamber, I think, is reasonable. It is not lavish by any means. As for the office accommodation, if you compare our office accommodation with the kinds of accommodation offered to some other parliamentarians in other States and Territories, I think you would find that you do not have a great deal to complain about. For my money, there are two very bad aspects of this building - one is the lifts and the other is the air-conditioning, both of which could have been and should have been fixed but have not been. The actual accommodation is not too bad.

To comment on Mr Humphries's remarks about how much of the South Building we might require, we have, I think, three full floors of this building. We have the whole of the ground floor, the first floor and the fifth floor. I think that we do not want to look at any less accommodation for members and for the Assembly itself.

Mr Humphries: But those floors are much bigger than the floors here.

MS FOLLETT: I think Mr Humphries's comment that the South Building's floors are much bigger is obviously one of the things that the Administration and Procedures Committee is going to have to look at very quickly. I do not know whether members have noticed, but there is a tight deadline on this reference. It is asking the committee to report by the last sitting day of these sittings. It is going to be a quite taxing task for those people involved, including you, Madam Speaker. For that reason, I hope that the diversity of views and the options that people might want to examine are not too wide, and that members of the Administration and Procedures Committee will be able to take advantage of the work that has been done already, certainly by my Government, and I think by Mr Kaine in government as well. I again commend the motion, Madam Speaker, and thank members for their support.

Amendments agreed to.

Motion, as amended, agreed to.

CONSTITUTIONAL RECOGNITION OF THE SUPREME COURT AND JUDICIAL TENURE

Debate resumed from 8 April 1992, on motion by **Mr Connolly**:

That the Legislative Assembly for the Australian Capital Territory requests the Commonwealth Parliament to:

- (1) amend the *Australian Capital Territory (Self-Government) Act 1988* by inserting a new Part, "PART VA - THE JUDICIARY", to provide for:
 - (a) the existence of the Supreme Court of the Australian Capital Territory having all original and appellate jurisdiction that is necessary to administer justice in the ACT and jurisdiction conferred by the Act, law of the Territory or Ordinance, provided that the Supreme Court shall not be bound to exercise any powers where it has jurisdiction concurrently with a lower court or tribunal, unless it is so required by legislation or Rules of Court.
 - (b) the removal from office of a judicial officer or member of a tribunal by the ACT Executive, but only at the request, by resolution, of the Legislative Assembly for the Australian Capital Territory acting in accordance with a report of a Judicial Commission, in which the Commission concludes that the behaviour or physical or mental capacity of the judicial officer or member of the tribunal concerned could amount to proved misbehaviour or incapacity such as to warrant removal from office.
 - (c) a Judicial Commission to have the function of investigating and reporting to the Attorney-General on allegations or complaints concerning the conduct or capacity of:

- (i) a Supreme Court Judge other than an additional Judge;
- (ii) the Master of the Supreme Court;
- (iii) a magistrate; and
- (iv) any other specified judicial officer or member of a tribunal.

(d) a Judicial Commission to be constituted by persons:

- (i) who are or have been Judges of a superior court (other than serving Justices of the High Court of Australia or serving Judges of the Supreme Court (other than additional Judges)) of the Commonwealth, or of a State or Territory; and
- (ii) who are appointed for such terms as are fixed in accordance with ACT law.

(e) a Judge and Master of the Supreme Court to be paid such remuneration as is determined by the Remuneration Tribunal.

(f) if no such determination is in force, a Judge and Master of the Supreme Court to be paid such remuneration as is specified under an enactment.

(g) the remuneration of a Judge and Master of the Supreme Court to not be diminished during the Judge or Master's continuance in office.

(h) the retiring age of judicial officers of the Supreme Court to not be altered during a judicial officer's continuance in office without the consent of the judicial officer.

(2) amend the *ACT Self-Government (Consequential Provisions) Act 1988* by inserting in Part II a provision that the terms and conditions of transferring Judges shall be no less favourable than those of the Judges of the Federal Court of Australia; and

(3) amend the *Federal Court of Australia Act 1976* to:

(a) permit the acceptance by Judges of that Court of commissions as additional Judges of the ACT Supreme Court; and

(b) confirm the continuation of the appointments as additional Judges of the ACT Supreme Court held at the time of transfer of the ACT Supreme Court.

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MR HUMPHRIES (11.45): The motion that the Attorney-General moved yesterday in the Assembly was a very significant one. It took the initial step which needs to be taken by this parliament of indicating this parliament's support for the move by the Commonwealth Parliament to transfer the ACT Supreme Court to the control of the ACT Legislative Assembly. As such, the Opposition welcomes this motion and, indeed, fully supports it and will offer what I hope will be unanimous support around the chamber.

Madam Speaker, I think we all welcome the fact that the Supreme Court is finally coming home to the ACT by the middle of this year. I was going to say "repatriated by the middle of this year", but I suppose that "patriated" is a slightly better term since it has never actually been part of the control of the ACT Government or Assembly.

The Supreme Court is perhaps the last major State-type function yet to be transferred to the ACT. I can think of some small things, such as certain powers of censorship and so on, which are not yet in our hands; but this is the last major component of self-government which is yet to be transferred. It has come later than some of us had expected. I know that the former Attorney-General worked on this question, and I think it is very welcome to see that this Attorney-General has finally reached a position which is acceptable to the parties concerned - and I will refer to that in a moment. It complements and completes, to a large extent, the process of giving the ACT full control over its own affairs.

I think, to put it bluntly, Madam Speaker, the fact that this is happening now is quite possibly a reflection of the fact that the Commonwealth now views the ACT, and particularly the ACT Assembly, as being sufficiently mature and stable to allow us the responsibility of managing the highest court of the ACT. Perhaps I am being overly cynical when I say that, but I think that it is not entirely accidental that it is happening now rather than, say, 12 months ago. This move gives us full control over our own affairs, as I indicated, although this is, in one sense, more symbolic than real since there will not be much that actually changes about what the Supreme Court does, how it operates and so on.

In one sense it is a pity that Mr Stevenson is not here to hear this. In one sense the transfer of the Supreme Court is very much the completion of the process of actually granting the ACT self-government because, of course, there are three arms of government - the legislature, the executive and the judiciary. Having the Supreme Court under the control of the Federal Government has meant effectively that one of the three arms of government in the ACT has not been fully under the control of the ACT until now. So, it is good to see that this is happening now; it does indeed, as I said, complete the process towards self-government.

I recall appearing in the Supreme Court on the occasion of an admissions ceremony on the day before the 1989 ACT election and hearing the Chief Justice speak about the process of self-government, and in particular the question of the future of the Supreme Court. I felt that he was at some pains to emphasise his own and perhaps the court's concerns about that process, and in particular about the question of the removal of judges for impropriety or misconduct. The view expressed at that time was that in the circumstances, at least temporarily, the Supreme Court ought not to be subject to the complete jurisdiction of the ACT Legislative Assembly, then about to be formed, but rather should be under, in that respect, the jurisdiction of the Commonwealth.

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I take it that those sorts of views have been canvassed by the Attorney-General in reaching the position that has now been reached. The position that has now been reached is that the ACT Assembly has the power to remove judges in those circumstances, subject to the recommendations of a judicial commission composed of judges or former judges. I think that is an acceptable solution. I have to indicate that I think it would always be appropriate for us, if we manage our own Supreme Court, to have the power ultimately to remove judges in certain limited circumstances. We are not talking about this happening every day, I might say; it is something which needs to be considered on rare occasions, and, hopefully, even rarer occasions in the future.

It is tremendous that this matter has been resolved satisfactorily. I assume that this motion reflects agreement between both the Government - presumably also the Federal Government or its officers - and the judges and magistrates of the ACT. That, I think, is a very solid achievement, and I congratulate the Attorney on it.

There are a couple of questions which I think need to be asked, Madam Speaker, and which I assume, in due course, will become clear to us. There were tremendous problems when the ACT received control of its police force a year or so ago. The Attorney, as shadow Attorney-General, was critical of the then Government with respect to the appearance of the arrangements it had made with the Federal Government about the funding and the financing of the Federal Police. The shadow Attorney-General, as he then was, said that the ACT Assembly ought to have had the power to scrutinise closely the financial agreement between the Commonwealth and the ACT.

There is, at this point, no agreement that I know of to do with the funding of the Supreme Court. Like the Federal Police, funding in the first year will be a relatively simple matter as the Commonwealth appropriation, presumably, is merely transferred, adding perhaps for inflation, to the ACT budget for this coming financial year. Of course, as time goes by there will be considerable argument on to what extent that Commonwealth subvention should continue. There will presumably need to be an agreement between the ACT and the Commonwealth, and there will presumably need to be at least the option of ACT Assembly scrutiny of that agreement. I gather that, given the Attorney's comments before in his former shadow role, he would be very willing to see that agreement exposed to the scrutiny of the Assembly or of some committee of the Assembly.

The question of the entrenchment of the Supreme Court's independence is, of course, a very important factor in this transfer. In fact, it is a very welcome feature of this arrangement that we have here some institutionalisation of that independence of the Supreme Court in a way which does not exist in other jurisdictions. As the Attorney points out, our constitution is effectively the Australian Capital Territory (Self-Government) Act, an Act of the Commonwealth Parliament. The Commonwealth Parliament will amend that Act, hopefully, pursuant to this resolution passed today, which will see us in a position of acquiring that control.

Madam Speaker, I think we will also see a situation ensue where we perhaps set a lead for other places in Australia with respect to the entrenchment of the independence of our judiciary. The separation of powers does demand that

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independence, and that arrangement, I think, would be a fortuitous one for us. As I think the Attorney mentioned the other day, it would give the ACT's Supreme Court the same status, as it were, as the other arms of government of the ACT.

Madam Speaker, as I indicated, this motion has the complete support of the Opposition. I hope that it will result in quick action by the Commonwealth and a successful transfer of the Supreme Court of the ACT to the place where it rightly belongs, that is, to the control of the ACT citizens through their government and their parliament.

MR MOORE (11.53): I am delighted to rise to give my support to this motion by Mr Connolly. I think it would be an appropriate way for all members to indicate their support for the motion if they passed it without dissent. Mr Stevenson is not here today, but I discussed this matter with him yesterday and at that stage he said that he would not be opposing the motion. I did not actually ask him whether he would be supporting it, just whether or not he would be opposing it, and he indicated that he would not be at that stage. I do not pretend in any way to speak for him - nor will I ever - but it does seem to me that this is an excellent opportunity for us to begin this Assembly in a spirit of cooperation and to indicate to the Federal Parliament that this Assembly as a whole believes that this is the most appropriate way to go.

There is no need for me to go into the details that have been raised by both Mr Connolly and Mr Humphries about the independence of the judiciary and so forth. That is entirely appropriate and I support what they have said. I think it is appropriate for this motion to be carried without dissent, and that that information go to the Federal Parliament so that they understand that it is the wish not just of a majority of members of this parliament but of the parliament as a whole.

The approach here contrasts greatly with the approach taken by the Alliance Government under the previous Attorney-General in the negotiations for the police force, which I have criticised time and again and will continue criticising. I believe that the ACT would have been far better off had we adopted the model of a contract police force that was originally suggested by Colin Winchester. No doubt that contract still would have been with the Australian Federal Police, who I believe offer an excellent service to the ACT.

However, the relationships that we have with the Federal Police and the difficulty of those relationships were demonstrated in the very sad affair at the Iranian Embassy the other night. The expectation is that the community policing function of the ACT police, in effect, is also responsible for some of the Federal responsibilities. No doubt the inquiries that will be conducted into that situation over the next little while will clarify the position. It is a sad way to have to have it clarified, but it will at least clarify the position and the relationship between the two roles of the Federal Police.

In the case of the judiciary, an attempt is being made to avoid all those sorts of problems; to put it at arm's length and to deal with it in a most appropriate way. I would like to congratulate the Attorney-General for providing this motion and I encourage all members to support it.

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MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (11.57), in reply: I thank members for their support. It is most fitting that this motion will go through with, apparently, the unanimous support of the Assembly, and perhaps also appropriate that this will be the first item of executive business of the Second Assembly, which was opened by the serving Chief Justice of the ACT Supreme Court. Members were sworn in by or affirmed their allegiance before the serving Chief Justice of the ACT Supreme Court. The relationship of equality in the constitutional arrangements of the legislature and the executive, and the appropriate relations between the two, was symbolised at the opening of the Assembly when the Chief Justice witnessed our affirmation or oath. This first resolution, which is setting up the judicial structure of this Territory as a co-equal partner in the constitutional arrangements, follows.

It is a milestone in the constitutional arrangements of the ACT, as Mr Humphries correctly pointed out, and it is also significant that we are now the only jurisdiction in Australia, apart from the Commonwealth, where the reality of the independence of the judiciary is recognised within the law. In other parts of Australia, while as a matter of fact and practice the independence of the judiciary is recognised, and no-one could contemplate the parliament or the executive attacking or assaulting the judiciary, it is a matter of convention rather than law; and sadly, in Australia, we have seen that constitutional conventions are not always observed. Things that are assumed to be the case are not always the case, and we saw that in 1975.

What we are saying here is that the independence of the judiciary is an important principle, and we as an Assembly, starting our Second Assembly and starting perhaps with a fresh page - we are going very well so far - are prepared to entrench within our constitution the important principle of the independence of the judiciary. I thank all members for their support.

I should make some reference to the financial arrangements which were alluded to by Mr Humphries in his remarks. He referred, as did Mr Moore, to the police arrangements. The Government, when in opposition, had been critical of the way in which that police arrangement was drafted. I think the incident at the Indonesian Embassy and who was responsible for what highlighted that, as well as some of the financial problems.

Mr Humphries, there will not be a contract with the Commonwealth in relation to the courts as there was with the police. More appropriate was the example of the transfer of the Director of Public Prosecutions Office which occurred on 1 July of last year. The Territory had made some assumptions and had been told certain things by the Commonwealth about what it would cost to run the office. When we assumed responsibility for the office we found that it had been rather woefully underfunded in recent years, that its stocks of computers had been allowed to run down, and that its staffing arrangements had been somewhat run down and had been bolstered only by additional Commonwealth officers on secondment to the ACT office.

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The Government found that what we had thought and assumed would be the budget for the DPP's office - that was an assumption that was shared by us in a couple of weeks when we came to office and by the Alliance Government in the couple of years before that - simply was not the case. At the end of the day the Government had to provide additional funding to put the office of the DPP on an appropriately sound basis for the future.

We are making it our business, very carefully and with the cooperation of the administrative staff in the courts, to really go through and look at what it is that we will be inheriting as an institution on 1 July and ensure that we are able to put to the Commonwealth, through the form of the Grants Commission, a very detailed inventory of how that court building has been allowed to run down, of how the facility's infrastructure has been allowed to run down, in order to ensure that we are as appropriately compensated as possible.

The true financial arrangement is that to date the Grants Commission has provided grants to the ACT on the basis that we do not have responsibility for the courts, so we have been given a discount in our general purpose Commonwealth grants. That will change and we will be treated as having full responsibility for law and order, and thus the ordinary level of Commonwealth support for the court infrastructure; but we will be making it our business to seek additional support so that we should be given a court on the basis that it was in full working order on the date of transfer.

Anyone who has worked in the court, as Mr Humphries has, would know that the infrastructure has been allowed to run down over the years. Apart from the personnel of the court, the infrastructure of the court is run down; the library is run down; and there are a number of problems there. I want to make sure that the ACT gets the best deal that it possibly can. That is why it is important that we get the principles right now. We have a few months to go on the detailed negotiations. I am certainly going to brief Mr Humphries in the ordinary bilateral way. It may be that his Legal Affairs Committee may want to have some interest in the arrangements for the financing and ongoing financing of the Supreme Court as a matter of ACT responsibility.

I take his point; it is a valid point. The Assembly should be aware of these arrangements for the court's transfer. We will ensure that that happens. I thank Assembly members for facilitating the smooth transfer of the courts and unanimously endorsing what is an issue of important principle, although somewhat of a technical issue for people who are not used to wrapping their minds around constitutional complexities. It is an important principle and I thank the Assembly for its unanimous support.

Question resolved in the affirmative.

Sitting suspended from 12.03 to 2.30 pm

QUESTIONS WITHOUT NOTICE

Cook Primary School

MR KAINE: I address a question to the Minister for Education, Mr Wood. The Government has sent out a number of letters to tenants in major shopping centres offering commercial space at Cook Primary School. Is it government policy to act as an agent to find commercial tenants for vacant school space? Who is performing this function? Is the Government making this space available at less than market rent in order to solicit tenants? Is this yet another manifestation of Labor's commitment to supporting and encouraging the private sector?

MR WOOD: I am sure that we want to provide an answer to the Leader of the Opposition. I suggest that I pass the question over to Mr Connolly.

Mr Kaine: It is your school. That is why I am asking you.

MR WOOD: It is certainly my school; but management of the vacant space in schools now, as I think it was in your administration, is in the hands of the Minister for Urban Services.

MR CONNOLLY: In order to facilitate question time, people who read and studied the administrative arrangements that were published the other day should understand that the administration of vacant property falls within my department, and of course asset management - - -

Mr Kaine: On a point of order, Madam Speaker, I would like to point out that my question relates to the Cook Primary School. It is not vacant property; it is a school.

MR CONNOLLY: If the Leader of the Opposition does not wish to have an answer, I am happy not to give him one; but I would prefer to continue to give the answer - - -

Mr Kaine: I would like an answer, but let us not have false pretences about your answer.

Ms Follett: Madam Speaker, on a point of order: Mr Kaine interjected that Mr Connolly was making false pretences. I ask that that be withdrawn.

Mr Kaine: I would like to speak to that point of order, Madam Speaker. Mr Connolly said that they are vacant premises. It is a school. Let us be clear. Let us have no misconception about what the property is that we are talking about. It is a primary school. That is why I asked the question.

MADAM SPEAKER: I call Mr Connolly.

MR CONNOLLY: Again, I try to inform members of the Assembly that the management of vacant property, vacant space - - -

Ms Follett: On a point of order, Madam Speaker, I do ask that Mr Kaine withdraw the term "false pretences".

MADAM SPEAKER: Mr Kaine, the point of order was that you accused Mr Connolly of false pretences.

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Mr Kaine: The Minister is attempting to mislead the house by saying that it is empty space. Madam Speaker, in order to get an answer to the question, I withdraw the remark; but I would like an answer to my question.

MR CONNOLLY: My department administers vacant space. Whether it be a totally vacant school or vacant space in a working school, it is administered by the Department of Urban Services. It is the Government's policy to use vacant school space constructively in the interests of the community getting a return on what is its asset and in order to allow the school to continue. We had a long debate about this under the previous Alliance Government. If the people opposite see a school that is not being fully utilised, they dream of townhouses; they want to knock it down and redevelop the site.

This Labor Government wants to keep community schools. Where there is vacant space in a community school, in accordance with the best practices worldwide - and I think Mr Moore used to often refer us to an OECD document - we seek to put currently vacant space out to either community use or commercial use. Indeed, that is benefiting the private sector by giving them the opportunity to compete for space.

I would also point out that it is our practice to always do that openly and either allow a competitive tender bid or openly advertise. Mr Kaine seems to have some problem with that.

MR KAINE: I ask a supplementary question, Madam Speaker. Since the Minister did not address any part of the question that I asked him, I will ask him a supplementary question. Does he really believe that the carrying on of commercial operations in a primary school while there are children attending that school, while there are children in the schoolyard, is reasonable? I do not think anybody else does.

MR CONNOLLY: The commercial activity will be appropriate to the space. We will let the market decide. Mr Kaine is a great believer in letting the market decide. We have an asset. We are putting notices out to see whether there is commercial interest in the asset, and we hope that it will lead to a productive use of that school space. No doubt the Liberals would prefer us to bulldoze the school and put in townhouses. We are not going to do that.

Petrol Prices

MR LAMONT: I address my question to the Attorney-General. Could the Minister inform the Assembly of the Government's actions in relation to the price of petrol in the ACT, in particular any initiatives to increase competition amongst retailers?

MR CONNOLLY: Mr Lamont's question is indeed timely, because Easter is coming up in a couple of weeks, and it was last year that we saw the price of petrol in Canberra skyrocket by something like 8c on the Wednesday before the Easter weekend and then magically drop by a similar 8c margin on the Wednesday after the long weekend. There was widespread community annoyance about that and a perception that, at the time of the year when families like to go away for a long weekend, suddenly the price goes up.

The Labor Party, at its conference last year, resolved that a Labor government should look at petrol price control. I announced to this Assembly, when we came into government, that Labor would do just that. We tabled a draft Bill in November last year to provide a mechanism whereby the Government could intervene in the market and set a price for petrol. It is significant that, since the Government announced its intention to move into the market if it saw that there were continuing problems, we have not had a repetition of the rapid increase in petrol prices. On the June long weekend, before the Government had made its clear statement, there were problems - something like a 6c movement. In subsequent holiday and peak demand periods since the Labor Government expressed its intention to act if the market is irresponsible, we have not seen the market respond in that way.

In addition to the price control possibility, we are also having ongoing discussions with Mr Wood's planning officials and community groups and industry about increasing competition. There are some disturbing aspects of the petrol market in Canberra. In the Tuggeranong Valley, for example, we have now a virtual monopoly, and that is not a healthy situation; so we are looking at moves to open up the market to provide better competition.

Mr Cornwell: Put it into some of the primary schools.

MR CONNOLLY: No, Mr Cornwell, we are not going to put it in primary schools.

ACTION - Meal Allowance Payments

MR DE DOMENICO: My question without notice is directed to Mr Connolly in his capacity as the Minister responsible in this house for the industrial relations practices of ACTION. Seeing that he confirmed on the front page of the *Canberra Times* this morning that he was aware of the Auditor-General's suggestion of illegal payments to the tune of \$110,000 annually to ACTION employees, what action did the Minister take to stamp out this rort, and what action did he take to recover the money paid out thus far?

MR CONNOLLY: I seem to be rather busy this afternoon. Yes, I was aware that the Auditor-General last year reported that a number of meal payments had been made that were illegal in the sense that they had not been authorised by the relevant award. We looked at the matter. It was apparent that the meal payments had been being made for many years - we expect, about 10 years. They were payments similar to payments that are made under awards throughout a range of industries. We took the matter into the Industrial Relations Commission and the view was that it was a reasonable payment.

A meal allowance is hardly a rort, Mr De Domenico; it is a reasonable work practice. Indeed, members of your staff who work in this Assembly on late night sittings are entitled to a meal allowance. You may think that that is a rort and cut them off a meal allowance. We will be happy to give them a sandwich up on the fifth floor if you want to deny them their meal allowance. Meal allowances are a legitimate claim for workers. There is nothing rorting about workers getting meal allowance.

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Mr De Domenico: He said that it was illegal, though. Only if it is in the award. It was not in the award.

MR CONNOLLY: What happened, as Mr De Domenico says, is that it was not in the award. We took the matter to the Industrial Relations Commission. Commissioner Sheather said that this was a reasonable allowance which was in accordance with longstanding practice, put it in the award and retrospectively said that it was okay. When we became aware of the problem we moved very swiftly, within a matter of a month or so, to regularise the situation. It was a legitimate claim by those particular workers. It is now in the award and the unauthorised payments - I will not say illegality - have ceased. They now are authorised, and they have been retrospectively authorised. It is sensible Labor industrial relations.

MR DE DOMENICO: I ask a supplementary question, Madam Speaker. Did the Government therefore submit a recommendation before the Industrial Relations Commission to legalise these payments, in fact, to get the Minister politically off the hook?

MR CONNOLLY: No; the Government, as it has done in a range of matters, has cleaned up and fixed up a problem that the Alliance Government did nothing about. We considered that it was an appropriate work practice. That was ratified by the Industrial Relations Commission. I note that the Public Accounts Committee, chaired by your leader, Mr Kaine, in its report No. 5 made no adverse comment at all in regard to this matter. That, of course, was a report commenting on the Auditor-General's report.

The Auditor-General indicated a problem. This Government fixed it up, and Mr Kaine, chairing the watchdog committee, was happy with the way this Government fixed it up. Mr De Domenico seems to have a problem. As I say, if he is getting obsessed about meal breaks and meal allowances, it looks as though anyone who is on his staff might have to come and get a sandwich on the Labor floor.

Government Service Senior Officers - Transport Allowance

MR MOORE: My question is to Rosemary Follett, the Chief Minister, in her capacity as being in charge of the public service. The current package, as I understand it, offered to senior officers A, B and C in the Federal public service, and consequently in the ACT, offers an allowance for car parking but does not offer reimbursement for public transport. Do you think that in the interests of the environment it would be appropriate to offer not only reimbursement for public transport costs but also perhaps a twofold reimbursement as an incentive for people at this level to use public transport rather than use their private vehicles to get to and from work?

MS FOLLETT: Madam Speaker, I would submit that on a strict interpretation of the standing orders Mr Moore's question is probably out of order in that he has asked me for an expression of opinion.

Mr Moore: Indeed.

MS FOLLETT: I think I am right, but that is just an opinion. Madam Speaker, I would have to get advice on just what kind of packages are offered to senior officers in the ACT Government Service. I will certainly undertake to do that, as I will undertake to have a look at the question of public transport, where senior officers may be using public transport, in terms of the incentive that they get to use a private car. I think that is what Mr Moore is getting at. I will undertake to examine that proposal, Madam Speaker, and perhaps come back to Mr Moore on both of those matters.

Limestone Avenue Reconstruction

MR WESTENDE: My question without notice is directed to the Minister for Urban Services. When will the upgrading of Limestone Avenue be completed? Is the Minister satisfied with the performance of the current contractors on the project? Is it normal for a relatively small project of this nature to take some two years to complete? Is the contract subject to penalty provisions for late completion and, if so, what is the penalty and when will it take effect?

MR CONNOLLY: Madam Speaker, I am very heartened by the enthusiasm of the new Liberal members to bring to light the failures of the Alliance Government. I think that is a good sign for public administration in this Territory.

The Limestone Avenue reconstruction does seem to be ranking with the construction of the Pyramids in terms of time taken. What happened was that the principal contractors, Shelleys, went through the hoop, to use a colloquial phrase; they went bust at the worst possible time in that construction program, and that was under the Alliance Government.

The Labor Party has taken a number of steps to prevent that sort of thing from happening again, principally by putting in what we said at the time should happen and which that Government seemed to think was all too difficult - that is, processes of random auditing of subbies to ensure that they are paying their workers and that they are paying their suppliers. That is working rather well. We are also becoming a party with the Commonwealth Government to the construction industry reform strategy which will have prequalification of major public works tenderers. So, the folly of the Alliance in that Shelley contract should not recur. That is the principal reason for delay.

We are getting to the near final stages of the contract. Unfortunately, there is considerable disruption to persons travelling towards where the ABC is, towards that intersection near the Ainslie Fire Station. We did have an option of allowing that to continue to be open to commuters; but it would have meant stop-go signs, it would have meant one lane, and it would have meant travellers being very close to the actual construction site and delay of the completion. I took the decision that it was better to have the detours to allow work to continue fairly swiftly. It is due for completion within some months.

In relation to the contract rise and fall clauses and the extent to which there is any overspending, I do not have that level of detail with me. I will provide it to Mr Westende. Of course, as a major public works project, it is subject to Assembly scrutiny through the Public Accounts Committee or through the Estimates Committee; but I will provide Mr Westende with the detail that he sought.

Commissioner for the Environment

MS ELLIS: My question is addressed to the Minister for the Environment, Land and Planning. How will the Government ensure the independence of the proposed Commissioner for the Environment, and will the Government grant inspection powers to the Commissioner for the Environment?

MR WOOD: Thank you for the question. This was a Labor Party election policy initiative. We raised it. It was a very sensible, modest in terms of cost solution to the problem to ensure the protection of our environment, should it need protection. I think the Government already keeps a close watch on it.

I was a little surprised a week or so ago to hear some anxiety being expressed about the independence of the commissioner. It is our proposal. We are taking it through. The commissioner will be in the nature of an ombudsman. I do not have it with me, but I am quite certain that our election policy said that it would be a statutory, that is independent, position. We have said that it is going to be such and I can assure the questioner and other people that it will be such.

I have indicated that, as soon as I can, I will put out a discussion paper to invite comment on the whole proposal, including that of its assured independence. The question of inspection powers will also be one of the matters that will be discussed at that time.

Aborigines and Torres Strait Islanders

MR HUMPHRIES: My question is to the Chief Minister. It is directed to her in her capacity as the Minister responsible for the Aboriginal and Torres Strait Islander community in the ACT. I welcome the Chief Minister's statement yesterday on Aboriginal deaths in custody, and in particular welcome the fact that she has taken the time to meet with local Aboriginal groups and become familiar with the problems. I ask the Chief Minister: What number of Aboriginal and Torres Strait Islander people find themselves in custody in the ACT each year? Are they incarcerated at a much higher rate than the non-Aboriginal population? How does our rate of deaths in custody compare with the national average?

MS FOLLETT: I thank Mr Humphries for the question. Unfortunately, I think it is fair to say that our data collection on the numbers of Aboriginals in custody in the ACT has not been terribly precise to this point. If you recall my speech yesterday, that is one of the main areas that have to be addressed in terms of our response, the ACT response, to the royal commission's report on Aboriginal deaths in custody. We do need to have much better information on the treatment of Aboriginal people in our justice system in the ACT and on the numbers involved, and that is one of the areas where the Government will be taking action as a result of that royal commission report.

Mr Humphries has asked me also a question on the numbers of Aboriginal deaths in custody in the ACT. There is a question, Madam Speaker, as to one death in custody. There was a death in custody some time ago, some years ago, and there

is a question concerning the Aboriginality or otherwise of that person. So, while we would like to say that we have never had an Aboriginal death in custody, there is a question about one such death which did occur. To the best of my knowledge, the question has not been resolved one way or the other. Regardless of whether the person was of Aboriginal or Torres Strait Islander descent or not, the task that is before us is to prevent deaths in custody and to take all of the sorts of actions that I outlined yesterday in order to ensure that that is the case.

MR HUMPHRIES: I have a supplementary question, Madam Speaker. I appreciate that the Minister does not have detailed information about the rates of incarceration, but is there any general or impressionistic view of the level of incarceration of Aboriginal people in the ACT? Have we any evidence at all that there is a problem with this in the ACT?

MS FOLLETT: The rate of incarceration in the ACT, as I said, is something that we do not have very accurate data on, and we will be looking to collect that data. In the absence of accurate figures I do not like to say whether I have an impression or not. I think that that would be either to reinforce a stereotype that people might already have or to deny that we have a problem in the ACT. We do have a significant population of Aboriginal and Torres Strait Islander people in the ACT.

We have every reason to suppose that those people in the ACT face the same degree of difficulty that Aboriginal and Torres Strait Islander people face everywhere else in the country, and we need as a government, and indeed as a community, to address those problems. I do not want to take a guess at what might be the rate of incarceration, because I think that that is not useful. The task now is to ensure that the community have the facilities and the support that they need, as Mr Moore interjected, in the interests of empowering the Aboriginal community itself to avoid these problems.

Bus Shelters

MS SZUTY: My question without notice is for the Minister for Urban Services, Mr Connolly. Could the Minister please comment on the recent repainting of bus shelters in North Belconnen which was apparently being carried out on the weekend by either Department of Urban Services workmen or contractors? Most of these bus shelters were originally decorated with artwork by students attending local schools, as part of a bus shelter painting competition. Is it the intention of the Minister to place precedence on the painting of bus shelters by the Department of Urban Services or private contractors ahead of the artwork of local school students?

MR CONNOLLY: I am not aware of the specific incidents in Belconnen. If Ms Szuty could give me rough locations, I will have them investigated. We are very firmly behind the bus shelter painting programs. What does happen from time to time is that, if they were painted some time ago and are starting to fade, or have been attacked with graffiti, it is not uncommon for them to be repainted in a plain colour almost as a base for a future schoolchildren painting exercise, which we are very enthusiastically behind. In relation to the shelters painted, I will have the matter investigated and provide an answer to Ms Szuty.

Prevention and Detection of Cancer

MRS GRASSBY: My question is to the Minister for Health. Will the ACT Government be participating in the national screening program for the prevention of cervical cancer and the national program for the early detection of breast cancer? There are five ladies here who would be very worried about that and would like to know.

MR BERRY: This matter was raised in the course of the election campaign and I think the context in which it was raised would have caused some disquiet amongst women in the Territory. These programs are health initiatives and have the support of this Government. Funding arrangements for cervical screening programs were discussed at the recent meeting of the Australian Health Ministers, Madam Speaker, and a decision is expected to be announced following the meeting of the Australian Health Ministers Council on 14 April. Funding arrangements for the establishment phase of the breast screening program have been finalised with the Commonwealth Government.

The ACT programs will focus on facilitating close cooperation between service providers such as medical and nurse practitioners in the private and public sector by providing support in the form of education, training and quality assurance. Underscreened women will be a key program targeted by the cervical program. Women over 50 will be targeted by the breast screening program. The setting up of a cervical cytology register is being considered. The register will establish a recall system and provide a means for quality assurance and epidemiology research. It is anticipated that the result of both programs will be the saving of the lives of many women whose condition up until now has gone undetected and therefore untreated.

Madam Speaker, this was a good opportunity for this question to be answered because I think it is important, in the light of some criticism over these issues, that women in the ACT hear from the Government that we intend to support these programs for the protection of women in the ACT. Too much was said about it in the election campaign which was, I think, negative and, I think, caused some disquiet amongst residents. My response to that question should put at rest any disquiet and any concerns that people have about the Government's willingness to participate in these programs.

Koomarri - Staff Reductions

MR CORNWELL: My question is to the Minister for Education and Training. Mr Wood, I refer to a letter of 3 March from the president of the Koomarri Parents and Citizens Association to you and the Chief Minister expressing concern at teacher and special teacher assistant staffing cuts and, on behalf of the P and C Association, seeking a meeting to discuss these concerns which saw staff reduced by five, I understand, STAs by three and students by only 13. My question is: Has the meeting taken place, in view of the Government's much vaunted desire for community consultation; and, if so, what was the outcome of the meeting, considering that we are dealing here with a group of students, as you would be well aware, with very special needs?

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MR WOOD: Madam Speaker, I have not met people associated with Koomarri this year, although I have at other times visited the school. In a sense I received fairly late notice of the school's complaint. I first heard it, I think, through Mr Moore making a comment and then I got letters from other members or from various other sources. It was not for some little time that I got a direct approach from the school itself. In the meantime, obviously, as soon as I heard the matter had arisen, I made inquiries and it was being examined. I believe that it is fairly substantially settled.

There was a review undertaken last year of staffing at special schools. Part of that review necessitated some reduction, a very minor reduction, in staffing at Koomarri. This year enrolments fell by some 14 students, I think, and that brought a further reduction of staff, inevitably of course because of the decline in enrolments. That is the way the system works. In the end, an apparently significant number of staff were being moved because of the changes. In fact, it was not all that significant because the balance has hardly changed. There is really no change. I think the staff to students ratio last year was 1 to 2.2, and this year it is 1 to 2.3. If you do a little bit of mathematics you will see that the level to which the ratio of staff to students has dropped this year really is not very different from the overall ratio. In other words, Koomarri is very, very heavily staffed.

Mr Moore: But look - - -

MR WOOD: Any decline in student numbers brings about a quite significant decline in teacher numbers. I do not think that was fully appreciated. I do not know what Mr Moore was interjecting. Mr Moore made a public statement about it, but he has not spoken to me or written to me about it. So, presumably he is quite happy with the outcome as well. The matter has been under review during the year and I think some provision has been applied as a transition. I am satisfied that Koomarri continues to be well staffed. It has never been anything else but staffed by very well qualified and dedicated people. Have a look at those figures and I think you will agree with me.

MR CORNWELL: I have a supplementary question, Madam Speaker. I would be interested, Mr Wood, if you would give me a reply to my letter of 10 March relating to this and perhaps explain those facts in more detail so that I can examine your response and Koomarri's letter to me.

Mr Moore: There is a loss of six staff.

MR WOOD: Yes, I will certainly do that. It is in the system and it will be coming out very soon. Mr Moore says that there is a loss of six staff.

Mr Moore: At 2.2 to 2.3, it is a loss of about six staff - that is for about 100 kids.

MR WOOD: That is right. You do your sums on that; it is six staff to 14 students, which is about the ratio at which the school is staffed.

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Health Budget

MR LAMONT: My question is directed to the Minister for Health. What has Labor done to overcome the financial difficulties in Health inherited from the Liberals?

MR BERRY: This is another - - -

Mr Humphries: I raise a point of order, Madam Speaker. I know that it is the practice to take questions from either side of the chamber, but there are people on this side of the chamber who have had no questions at all yet today while people on that side of the chamber are now having a second question. I would submit to you respectfully that it would be fairer to have everybody have at least one chance to ask a question before seconds are taken.

MADAM SPEAKER: Thank you, Mr Humphries, for that advice. I will bear it in mind for the next question time.

MR BERRY: This is another issue which presents itself in a timely way because I think it is about time we capped this issue. I say that because the Liberals have tried to wring out of Labor's brilliant response in health financial management some sort of a headline. Of course, they have not really done so. The *Canberra Times* might have been their ally on this subject, but when it comes to detail even the *Canberra Times* is not as careful as it ought to be about the depth of its reporting.

Health financial management is one issue on which the Labor Party can assuredly put a feather in its cap. We have been able to salvage out of the mess that was left to us by the Liberals a financial system which is not out of the woods yet. Nobody has ever said that. It is a difficult job. It is something that we have to put a lot of energy into and we have to rely on a lot of discipline.

Mr Kaine: Since it was our financial system it ought to be a good one.

MR BERRY: Mr Kaine interjects. He said, "Since it was our financial system ...". Your financial system was in a disgraceful mess and it had to be fixed.

Mr Kaine: It was ours. We put it into place and, incidentally, Fiscal was in place long before you extended it into the health area. You ought to go and talk to the Treasurer about how long Fiscal has been in place.

MR BERRY: The former Treasurer who interjects opposite did not know that his health budget was in crisis, and his Health Minister could not even be bothered to put the energy into finding out what was wrong. Subsequently it exploded underneath them and Canberra became aware of the hopeless approach that the Liberals had had to health management. Immediately on taking office, Labor moved quickly because we knew that there were some issues that had to be resolved quickly. We moved quickly to ensure that, firstly, there was a new discipline in - - -

Mr Kaine: I take a point of order, Madam Speaker. I did not believe, and I still do not believe, that question time is a place for Ministers to make statements. I would ask him to address the question quickly, if he intends to address it at all, and then sit down. If he wants to make a statement he can make it after question time, and we have given him permission to do so.

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MADAM SPEAKER: Mr Kaine, I am sure that Mr Berry will soon answer the question.

MR BERRY: The odour of hypocrisy permeates the atmosphere.

Mr Kaine: The hypocrisy is coming from that side of the house.

Mr Humphries: Madam Speaker, I think the word "hypocrisy" has in the past been ruled to be unparliamentary. I would ask you to ask Mr Berry to withdraw it.

MR BERRY: I do not know about the smell of it, though; that has never been ruled out.

Mr Humphries: The smell is as bad as the word.

MADAM SPEAKER: I will allow Mr Berry to finish his answer. I will seek advice on the use of that word and come back to it next session, Mr Humphries.

MR BERRY: The Liberals continue to complain about and thrash around over health budget management. They are wasting their time. There is a program in place which is delivering the goods. The monthly reports come regularly to the Minister.

Mr Humphries: But not to us.

MR BERRY: I continue to release them for public scrutiny without any requirement to do so.

Mr Humphries: Like blood out of a stone, yes.

MR BERRY: They are released for public scrutiny and, as members of the public, the Liberals are free to scrutinise them.

Mr Kaine: That is if we can get a copy.

MR BERRY: You can always get a copy.

Mr Humphries: Yes, at 5 o'clock on a Friday afternoon.

Mr Kaine: You have refused pretty strenuously up until now to provide them.

MR BERRY: They complain that they do not get them soon enough. When it comes to secrets, the Liberals were the best at it but they could not cover up the health budget blow-out. The Treasurer did not want to talk about it, his Health Minister did not want to talk about it, and eventually it blew up underneath them. Anyway, monthly reports are well in place. There are new accounting procedures in place. We have a very strong set of business rules under which arrangements for health funding are organised - something that was unprecedented in the period of the Liberal Government. The accounting system Fiscal, which the then Chief Minister said was his, is being put in place by the Labor Party. They did not get it to work. We have strengthened top level management and made Health accountable. They are all in stark contrast to what happened under the Liberal Party. I think, Madam Speaker, that it is about time they gave up. There is nothing in it for them.

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Health Business Rules

MR KAINÉ: I have another question without notice, Madam Speaker.

Mr Connolly: You are cutting out your own members.

MR KAINÉ: If your members can have two, presumably the Leader of the Opposition can.

MADAM SPEAKER: Mr Kaine moved first; it is Mr Kaine's question.

MR KAINÉ: Mr Berry yet again in answer to a question has referred to his magical business rules. They are magical because they converted what he used to call budget blow-outs into what he now calls agreed supplementation. My question is addressed to the Treasurer, Madam Speaker, because I know that Mr Berry will not answer it. I ask the Treasurer: What is the difference between these business rules that provide supplementation to the health budget and the rules that provide supplementation to other people's budgets in the Government? Just what is the difference? Why was there deemed to be a necessity for a different procedure for Health from that for everybody else? If there is a difference, is it legal within the Audit Act and the financial rules relating to government transactions? Finally, since these agreed supplementations must be coming out of the Treasurer's Advance, when is the Treasurer going to tell us how much this supplementation is, in fact - and the sooner the better?

MR BERRY: Madam Speaker, I think it would be best if I answered that question because - - -

Mr Kaine: Madam Speaker, I addressed my question to the Treasurer and I would like the Treasurer to answer it. I did not ask him.

MR BERRY: Direct it to the Minister responsible.

Mr Kaine: The Treasurer is the Treasurer, Madam Speaker. I insist. I am not prepared to be fobbed off, yet again, by Mr Berry. I want the Treasurer to answer the question. It is her appropriation, it is her Treasurer's Advance, and only she can answer the question about the Treasurer's Advance.

MR BERRY: You are just going to have to put up with the Minister responsible.

Mr Kaine: Madam Speaker, I take a point of order.

MADAM SPEAKER: I understand your point of order, Mr Kaine; but I believe that the purpose of question time is to receive an answer. If the answer is to come from Mr Berry, then I believe - - -

Mr Kaine: No. I want an answer from the Treasurer, Madam Speaker; not from Mr Berry.

MADAM SPEAKER: The Treasurer has asked the Minister responsible to answer the question. I believe that it is appropriate for the Minister who is responsible to answer the question.

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Mr Kaine: In that case, I would like a decision from you as to whether the Minister for Health is competent to deal with the Treasurer's Advance, because my question focuses on supplementation from the Treasurer's Advance. He does not administer that; the Treasurer does.

MADAM SPEAKER: I believe that Mr Berry can answer the question.

Mr Kaine: If you are going to allow the Treasurer to get off every time I ask a question, you are going to find me a very sticky customer, Madam Speaker.

MR BERRY: We understand what sort of a customer you are.

MADAM SPEAKER: Mr Berry, I will answer Mr Kaine's point of order a little more fully. It is well within the processes of the house for a Minister to refuse to answer a question and to direct that that question be answered by another Minister.

Mr Kaine: As long as we note that the Treasurer has refused to answer the question. That can go in the *Hansard*, too.

MADAM SPEAKER: In this process Mr Berry will answer the question.

MR BERRY: Nobody has refused to answer a question.

Mr Kaine: The Treasurer refused to answer the question, and you will not answer it.

MR BERRY: Nobody has refused to answer the question, Mr Kaine. Behave yourself. The question in relation to the make-up of the business rules was answered yesterday and - - -

Mr Kaine: No, it was not.

MR BERRY: It was answered yesterday and therefore that part of your question is out of order.

Mr Kaine: No, it was not. That is why I asked it again.

MR BERRY: It was answered yesterday. The second part of your question related to the legislation. The application of the business rules is consistent with legislation.

Mr Kaine: Can we see the business rules?

MR BERRY: Indeed, you can. I will give you a copy of them. In fact, I will table these later, as I have tabled them, I think, a couple of times before.

The Appropriation Act provides for cost increases not covered by the budget to be paid from the Treasurer's Advance, which is itself an appropriation. That one is right. That sinks in. Increases in award salaries and wages are excluded from the budget appropriation, but allowance is specifically made for payment of these increases under section 5 of the Appropriation Act. Any additions to the appropriations approved under the business rules agreed to between the Treasurer and Health are also funded from the Treasurer's Advance and section 5 of the Appropriation Act. Authority for the Treasurer's Advance is given under

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section 47 of the Audit Act. Health expenditure is paid from its bank account, which is funded from its own revenue and appropriations from the budget. I think that should clarify the issue.

MR KAINE: I have a supplementary question, Madam Speaker, and I would like to address it, again, to the Treasurer. The Treasurer is obliged to inform the Assembly of payments made out of the Treasurer's Advance. Despite Mr Berry's little lecture, she is obliged to inform us. When does she intend to inform us of the supplementation that has been made out of the Treasurer's Advance for Mr Berry's blow-out in Health?

MR BERRY: I have already issued the financial reports from the Board of Health which show clearly the level of supplementation.

Mr Kaine: Madam Speaker, I want an answer from the Treasurer on a matter that is clearly in the Treasurer's area of responsibility.

Ms Follett: Madam Speaker, I take a point of order. I think Mr Kaine needs leave to speak if he wishes to address the Assembly.

Mr Kaine: No; I asked a supplementary question. I asked you, and I want you to answer it. He does not control the Treasurer's Advance and the Board of Health report cannot respond to the question that I asked.

Ms Follett: Madam Speaker, Mr Kaine is totally out of order. He has asked his supplementary question. If he wants to address this chamber further, he needs leave to do so.

Mr Kaine: Will you answer the question?

MADAM SPEAKER: Ms Follett, I was going to ask Mr Kaine to desist.

MS FOLLETT: Madam Speaker, to avoid Mr Kaine's further angst, I will say that the details of payment from the Treasurer's Advance will be made as often as and whenever they are required to be made.

I ask that further questions be placed on the notice paper.

Narellan House

MR WOOD: I promised yesterday to respond to Mr Cornwell about a question on Narellan House and the legal measures that were being taken, or really are not being taken but may well have been. The ACT Government Solicitor has advised that the provisions concerning evictions set out in the Landlord and Tenant Act 1949 are not applicable to the accommodation arrangements in Narellan House.

The reasons why the Act is not applicable are, firstly, that section 5 of the Act provides that the Act does not bind the Crown. Next, there is no lease of the premises. The land is unleased Crown land. Further, the ACT Institute of Technical and Further Education simply has the permission of the Department of the Environment, Land and Planning, under an arrangement set out in exchanges of correspondence, to use the premises to provide low cost accommodation to students until 10 April 1992. Finally, the ACT Institute of TAFE has operated Narellan House through a management agreement with Mr Don Allan.

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Even if it were necessary, however, to give a 28-day warning period, the Government has, in fact, given more than 28 days' notice. I announced on 2 December 1991 that Narellan House would be closed from the end of term one, 1992. On 10 March and 17 March 1992, Mr Warren Dickson, an associate director of the institute, wrote to all residents to confirm that Narellan House would close on 10 April and that all residents would need to vacate by that date. Mr Dickson's letters provided the names of institute officers who were available to assist full-time institute students in obtaining alternative accommodation and invited students to contact those officers.

The manager of Narellan House also wrote to all residents on 26 March to reconfirm that they will be required to leave by 10 April and to invite them to make full use of the advisory service provided by the institute to assist them to find suitable alternative accommodation. I repeat that the legal matters are not matters that we have sought, or indeed see as necessary to have the building vacated. We have done it by negotiation and by working cooperatively with all concerned.

Ambulance Service

MR BERRY: In the house on Tuesday Mr Moore asked a question without notice in relation to an ambulance matter. I have had that matter investigated because I wanted to make sure of all of the facts. I will provide the following information to clarify the issue for members. The incident to which I was referring was one which occurred on 31 March 1992. At 9.36 am the service was called to a person who had fallen at South Ainslie Primary School. I trust that it was the same one.

Mr Moore: It is the Ainslie Primary School. It is not called the South Ainslie Primary School, even though it is south. The other one is called North.

MR BERRY: Right. A vehicle was dispatched to the incident and it was correctly classified as a non-urgent case. The responding vehicle was redirected to a critical care case. An ambulance officer working for the superintendent at Dickson was dispatched on the case, apparently in a spare vehicle. A patient with minor injury was treated by the ambulance officer. Another ambulance officer who provides operational support to the superintendent was dispatched to drive that vehicle to hospital when it was found that transport was necessary, it appears. The ACT Fire Brigade did not assist at this incident. I am advised that consideration had been given to their attendance, but another option was decided upon. Normal crew levels were on shift.

Respite Care Services

MR CONNOLLY: Yesterday Mr Humphries asked me a question about the gender-specific nursing services available in respite care. I had the matter investigated. I am told that there has been one incident in relation to a 12-week respite for a young adult woman in which a bathing was provided by a male nurse rather than a female nurse. It is not the standard practice for that to occur.

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It does occur from time to time and, given that the opposite gender non-specific services occur regularly in the hospital system, I am unable to say that it is an unacceptable practice, although it is a practice that, in general, we would prefer not to have occur.

Bus Shelters

MR CONNOLLY: Earlier Ms Szuty asked me a question about bus shelters being painted. I have had some advice from officers who were present in the chamber. It is now likely to become increasingly common to see shelters being painted on Saturdays, particularly shelters that have been painted by schoolchildren and that are up for their regular repainting preparatory to new murals being worked.

One of the reasons it is being done on Saturdays is that a number of the painters are young persons who have been convicted of graffiti offences and are serving out community service orders. Saturday is an appropriate time for them to do it. Also, Saturday is a time which causes minimum disruption to the travelling public and which is safer because there is less traffic on the road. So, there is, indeed, a specific reason for their being done on Saturdays.

Health Business Rules

MR BERRY: Madam Speaker, during question time I indicated that I would table the business rules. I have a copy and I now table them.

INAUGURAL SPEECH

Ms McRae: Madam Temporary Deputy Speaker, I ask for leave to make my inaugural speech.

Leave granted.

MADAM TEMPORARY DEPUTY SPEAKER (Mrs Grassby): I remind the house that other members were heard in silence. I would expect members to extend to Ms McRae the same courtesy.

Ms McRae: Madam Temporary Deputy Speaker, like my fellow new members, it gives me great satisfaction to address the Assembly today. It is not purely a personal satisfaction. I joined the Labor Party and sought a political career because I believe in progress, in improvement, and in the ability of elected representatives to make a real difference to people's daily lives, and I see this Assembly as a highly significant forum for pursuing such change.

I am here to pursue social justice, real achievable social improvement - not in some far off time in the future, but now, within the life of this Assembly. The pursuit of social justice has been a consistent theme in my career to date and in my active life in the community. My commitment to this objective is, of course, heightened by my gender.

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In listening to the proceedings of the Assembly so far this week, I was somewhat surprised that more was not made of the fact that our Assembly is unique in Australia, and perhaps in the Westminster system, in having a woman Chief Minister and a woman Speaker. That this unique and remarkable fact went unremarked suggests that the arrival of women in leadership positions in our society is beginning to be accepted, although not quite commonplace yet. If this is so, if women being in top jobs is becoming accepted now, then my belief in the achievability of real social justice advances would seem to have a solid foundation.

However, the choices open to women in our society are still restricted. For example, women have fewer and less attractive career opportunities, less financial security, greater domestic and nurturing duties, and the list goes on. I am committed to improving women's choices in our society, to a fair and equal share for women. This, in part, is what I have come here to help bring about.

For those in the chamber who think that little remains to be done, I need not remind members that women are, and remain, an economically disadvantaged group in our society. Their earnings are an average of 20 per cent below male earnings, even where they have qualifications and experience equivalent to men. Even in the graduate labour market women are paid significantly less than their male counterparts. This fact seems to cast some doubt on the efficient working of the market and free enterprise system so glowingly praised in some speeches it has been my duty to sit through in recent times. Greater social justice is an achievable goal. While the presence of women in this chamber and the achievements of high office prove what can be done, there remains much more to do, and to do as a matter of urgency.

I have chosen to focus on women's issues; but I acknowledge that many groups in our community suffer disadvantages, oppression, discrimination, prejudice and financial hardship - and not just the groups conventionally labelled as disadvantaged. My role as a new MLA and as Speaker will be to ensure that as far as possible all voices are heard, not just the loudest voices, or even the most articulate. I believe that as elected representatives we are duty bound to seek out and express the views, needs and desires of the less advantaged sections of our community, and I dedicate myself to that role. I sincerely encourage all members to follow suit.

At this point it might be useful to make concrete a few distinctions. I do not subscribe to the kind of social Darwinism so fashionable amongst lazy conservatives. A world in which survival of the fittest is the dominant political creed and social philosophy is not a satisfying world, it is not a pretty world, it is not an environmentally sustainable world, and most of all, despite the calls of its proponents, it is not an inevitable world.

Equal opportunity for all, which requires active, positive discrimination in favour of those currently disadvantaged, is what I mean by social justice. It requires active social policies to secure it. I do not resile from that and I contest the view so glibly bandied about by the social Darwinians that the pursuit of social justice is futile. The presence of women in senior positions, not only here but also in Victoria and Western Australia, is proof that real social change is there for the taking if we have the will and courage to go for it. It is not about me or Ellnor Grassby, or Kate Carnell, or Helen Szuty, or Annette Ellis or the Chief Minister as individuals; it is about a social movement to secure social justice for all.

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The Labor Party understands this and we are not afraid to put what we stand for clearly in our policies, as we saw in our recent elections. Paradoxically, the educated conservative who understands the intellectual and historical foundations of conservatism would be forced to accept the truth of my previous remarks. But such creatures are few and far between, if not actually mythical.

Edmund Burke would have no difficulty in grasping the notion that one must strike a balance between markets which deliver prosperity and communities which sustain values. Too many of his modern day followers are ignorant of their historical and intellectual forebears. In consequence, they are to be found wandering aimlessly around the far right ideas supermarket, picking up any little prejudice that captures their eye, in the pursuit of votes, and as a substitute for a coherent political philosophy.

In summing up just let me emphasise that social change is patently necessary in our society. The disadvantaged are not inferior; they have just not had a fair go. Social change is possible, and, more importantly, it is within the power of this Assembly to bring it about. As elected representatives our duty is to seek out and speak for those who most need assistance. I will do my best to ensure that these sections of our community get a hearing and get a tangible improvement to their lot. It is an objective consistent with my life to date. It is an objective we can achieve collectively.

ACTION

Discussion of Matter of Public Importance

MADAM TEMPORARY DEPUTY SPEAKER: Madam Speaker has received a letter from Mr De Domenico proposing that a matter of public importance be submitted to the Assembly for discussion, namely:

The inability of the Government to achieve necessary efficiencies in ACTION, leading to unnecessary industrial disputation and additional costs to the community.

MR DE DOMENICO (3.25): First of all, Madam Temporary Deputy Speaker, let me congratulate Ms McRae for her inaugural address. I was very moved by it. I did not agree with all she said, but I was very moved by it.

Madam Temporary Deputy Speaker, I am not very pleased to have to stand up and say that the matter of public importance today is the inability of the Government to achieve necessary efficiencies in ACTION, leading to unnecessary industrial disputation and additional costs to the community, but really pages 1 and 3 in this morning's *Canberra Times* say it all. They say it all because it proves to me that the ACT Labor Government's performance in industrial relations is definitely shoddy, perhaps shonky, and not the best. It consists of misinformation; it consists of deals with union mates, and shows as much spine as a jellyfish in achieving results in revamping our industrial relations in the ACT.

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We are now playing catch-up recession. If anyone doubts that, you will note that the unemployment figures today say that we are at 8.8 per cent - the highest since 1983 and perhaps the highest ever in this Territory. If anything gives this Government the reason and the timing it needs to institute the changes we need in ACTION and other areas, now is the time.

The ACT cannot afford now, or ever, the kind of industrial relations which rules supreme at ACTION. If this is an example of industrial relations in the ACT, let me tell the people what kind of industrial relations is okay, as far as we are aware, by this Labor Government in the ACT. In the ACT, apparently, you can tell your boss that you are sick and go and play golf with your mates, who have all done the same thing. If you happen to get caught, you go to a doctor and get a sick certificate. Then, if someone sees you on the 10th green and says, "Listen, I saw you on the 10th green; you did not look too sick to me", you go and tell your union, who will support you in legal action against your employer. If that does not work, of course, you can go on strike.

What was this strike last week all about? We get to hear what it was all about. On one day it was about service cutbacks; on another day it is about payments for driving articulated buses. In other words, the unions have more changes in mind than clean underwear. May I suggest that it is also about bullying management and perhaps overpaid golf days for workers. I would like someone to deny that in the future.

I would also like to know on what grounds an industrial dispute has been notified - or was notified - to the Australian Industrial Relations Commission. I would like to know about that too, and, I dare say, so would the people of the ACT. Tell me: Will the matter of the golf playing workers be pursued, or was it pursued before the Industrial Relations Commission? We do not know, because it was done in conference, in camera, or whatever. Tell me: What was decided yesterday in the Industrial Relations Commission? Was it that the status quo is maintained? Has there been any change made to what it was prior to the strike?

Some people might scoff at all this, but I do not think I am exaggerating. If you read the *Canberra Times* this morning - Mr Berry, the Industrial Relations Minister, tends to tell us that he does not read the *Canberra Times* because sometimes he does not agree with what they say about him - you will see that a very astute journalist, Peter Clack, has reported on a few minor, to say the least, inconsistencies with payments to the ACTION staff.

Before, people said, "Well, listen; it is not really an illegal payment". Let me now quote from the Auditor-General's report. It is not my report, or Mr Westende's report. Let me quote, Madam Speaker, from the report of the Auditor-General. The date of this report, by the way, is 30 April 1991 - not too long before this Labor Government took office again. This is what the Auditor-General's report said:

In the course of the audit, it was found that ACTION was continuing to make illegal payments ...

They are not my words; they are the words of the Auditor-General.

Mr Connolly: Under a Liberal Government. During the period of a Liberal Government.

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MR DE DOMENICO: I have not finished yet. Do not smile, because I tell you that you will be - -
-

Mr Lamont: Under a Liberal Treasurer.

MR DE DOMENICO: Oh, my dear! Come on! The Auditor-General said:

... illegal payments of meal allowances to workshop staff. These payments had previously been reported by the Commonwealth Auditor-General ...

It goes on:

Removal of this illegality is estimated to save the taxpayer \$110,000 p.a. (At an interest rate of 14 percent, this equates to a capital saving of some \$800,000).

He said this in April last year.

Mr Wood: Who was the Government then?

MR DE DOMENICO: The Alliance Government was in power then, Mr Wood. Thank you very much for reminding me of that. Since June or July of last year, of course, we have had a Labor Government and Mr Connolly has been the Minister for Urban Services, although it is sometimes difficult to find out who is really responsible for industrial relations. When I sought to speak to Mr Wadsworth yesterday I asked the Minister for Urban Services, quite rightly, "Do you mind if I speak to Mr Wadsworth on an industrial relations matter?". But, Madam Speaker, what did he say? He said, "No, you cannot speak to Mr Wadsworth because really Mr Westende is the shadow transport Minister". I said, "Listen, I do not want to talk to Mr Wadsworth about transport matters. I want to talk to him about industrial relations matters". Mr Connolly said, "No, no, no; I refuse you access".

Mr Lamont: You should have gone to Mr Berry.

MR DE DOMENICO: Thank you, Mr Lamont, for reminding me. I then went to speak to Mr Berry because I was told by the Chief Minister the day before that, really, the Industrial Relations Minister in this Territory is Mr Berry. Naturally, being inexperienced in this sort of thing and being a politician, I walked up to Mr Berry and said, "Mr Berry, can I please talk to you about industrial relations matters concerning ACTION?". Do you know what Mr Berry said? He said, "Oh, it has nothing to do with me. That is Mr Connolly's responsibility". I said, "But listen, why therefore are you the Industrial Relations Minister?". He said, "Oh, no; if they want me to involve myself, they will ask me. No-one has asked me yet; so there is nothing I can do about it. It is Mr Connolly's problem". So, there we go.

Anyway, we now assume, because the front page of the *Canberra Times* tells us this morning, that it is really Mr Connolly who is responsible for the industrial relations practices at ACTION. So, we have established that. All I can say, therefore, is that I smell a rodent. This morning, thanks to Peter Clack, who is allowed to speak to anyone he chooses, fortunately, unlike members of the Opposition, I find out the dreadful truth. If you make a mistake that is so

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astonishing, what do you do to get the mistake ratified, or to get something illegal made legal? The problem is solved. Just make it legal. Go into the Industrial Relations Commission and say, "Listen, change the word 'illegal'; let us change it to 'legal', and everything will be all right". The old Fawlt Towers syndrome: If it is my fault, and someone catches me - - -

Mr Lamont: Your ex-Chief Minister approved the process.

MR DE DOMENICO: No, no; what does Basil Fawlt do? He smacks Manuel right behind the ear. Problem solved; blame the messenger. It always happens. It always works - sometimes. Unlike the deafening silence from the Government's Industrial Relations Minister, I will refuse to be gagged, even by the former secretary of the Transport Workers Union. Did you think they would use him to try to settle the dispute? Not on your nelly. They were not sure on whose side he would come down; that is why. Is he going to support his union mates, or is he really going to support the people of the ACT, the ones who on Monday were left stranded at the bus stops? On Monday morning, all the kids went off to school; but there were no buses. But, ironically, those same bus drivers who refused to tell anybody that they were going to go on strike on Monday morning, do you know when they worked? They worked on Saturday and Sunday. They did not work on the Friday or the Monday.

Mr Cornwell: Do they get paid more for that?

MR DE DOMENICO: Penalty rates, Mr Cornwell; thank you very much. You got it right on the head. I will tell you what was on on Sunday too: The rugby. You need articulated buses, do you not, to take people to Bruce Stadium? And what happens if you drive articulated buses in the ACT? You get paid even more. But when Mr Schulz, on the Matt Abraham show last week, was asked, "Listen, is that just a coincidence?", he said, "Of course it is. It was not done on purpose. It was entirely a coincidence". And some people believe him. There they all are. You can count them. One, two, three, four, five, six. Some of those did not believe him either; but they are not going to say so, are they?

Mr Cornwell: When it comes to schoolchildren, though, the quality of education goes out the window.

MR DE DOMENICO: There is still a deafening silence. What about the Government? One of their number was a trade union secretary, David Lamont. He said nothing about the thing. Yesterday, out came the ACTION annual report. I fully expected that the matters I am raising here would have been answered. In April 1991 the Auditor-General said, "Hey, listen; illegal payments. It is \$110,000 a year over a long period. There is nothing in an award that says that we should have paid them \$110,000 a year, but we continue to pay them". But we see nothing in the ACTION report that came out yesterday. What does this one say, though?

Mr Connolly: The Liberals continued to pay it. We fixed it.

MR DE DOMENICO: Hold on; this was not done when the Liberals were in government. You gave me a copy yesterday.

Mr Connolly: Yes, it was. It is for your period of office.

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MR DE DOMENICO: You gave me a copy yesterday. Let me tell you what happens in here.

Mr Lamont: Yes, it was. The Leader of the Opposition knew about it.

MR DE DOMENICO: Here is the logic of the Labor Party, by the way. Last year there were 479 buses on the road and it took 1,016 staff members to administer them. How many buses are on the road this year? There are 463. Do you think that rationalisation has taken control? Of course not. Although we have 16 fewer buses, the number of staff has gone from 1,016 to 1,091. There is rationalisation for you!

Mr Connolly: Yes, under your government.

MR DE DOMENICO: The fewer buses that you put on the road, Mr Connolly, the more people you need to service them. No wonder we agree with you when you said, "Unless the unions agree to this rationalisation we will corporatise ACTION", or, "We are looking at corporatisation".

But we know that you will not do that personally because you are constrained by a political wing of your party that you do not belong to. Last year, after corporatisation of Totalcare Industries, your party said to you, Mr Connolly, "No more corporatisation of anything else". I am going to agree with you; we need corporatisation of ACTION, Mr Connolly, and we look forward to your way of doing that. If you are strong enough to beat your left wing on that, you deserve our commendation. So, we are looking forward to that as well. What about industrial relations, because this is what this is all about?

Mr Wood: We are going to get onto it, are we?

MR DE DOMENICO: Yes, we are. On page 16, in section 2.23, under "Objectives", the ACTION report says:

Establish the costs and benefits of non-award work practices, and implement a program of negotiations on any revisions considered desirable.

The result of this objective was:

This objective was not achieved due to the lack of a proper mechanism to undertake suitable discussions with the unions.

That is what the report says. The union movement, one would think, would find it more comfortable discussing things with members of the Labor Party; but no, the report says that there was "the lack of a proper mechanism to undertake suitable discussions with the unions". Hopefully, Mr Connolly once again is going to now implement these suitable mechanisms. That, folks, is about all there is about industrial relations in the report. There is an utter failure to address any of the real relevant and pressing issues about industrial relations, and ACTION in particular.

It is when you see reports like this and ACTION's complete inability to fight the unions that you realise how entrenched some of these practices are, just like the \$10,000 I mentioned before of illegal payments - I am sorry; they are legal now,

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we are told by Mr Connolly - made so often and for so many years that no-one knew that it was a regular rort, a regular rip-off from Joe Average, the taxpayer. Ultimately, you and I, the taxpayers, pay.

If ACTION management cannot get their act together, the Government is criminal in its neglect, obviously. Where is the denial of these practices? Where are the assurances that they will not continue? Where are the assurances that there are not any more? That is what the people of the ACT want to know. I am sure the people of the ACT do not want to feather the nest of the ACTION workers, their TWU mates and the Labor Government itself; and the Liberal Party agrees.

We want reform of industrial relations. We do not want to lower wages or destroy working conditions; we just want reform of industrial relations. Let us get down to the basics; that means, in Canberra, with 8.8 per cent unemployment today, more jobs.

We want to wipe out the rorts, the corruption and the inefficiencies and the enormous tax burden to every taxpayer in the ACT who pays to keep the unions happily, greedily, rorting the system. It costs \$64m per year to run ACTION buses, or \$640 per household; more, of course, if you happen to use the buses because you have to pay fares as well, if they are collected. Tell me: How fair dinkum, true blue, considerate, intelligent, is a union that strikes on week days, as I said before, but orders its members to work on the weekends in order to collect penalty rates?

Let me tell you what the Liberal Party will do when we get into government in three years' time. We will introduce enterprise bargaining, now known euphemistically, by the way, on your side of the house, as workshop bargaining or workplace bargaining. Same thing; different name. The Federal ALP plan to introduce it as well.

We would introduce voluntary unionism. One wonders whether there was a vote taken before the first ACTION bus strike went ahead. I am told reliably that there was no vote taken. Perhaps the Minister would like to answer that question as well. We would also introduce recourse to civil action as an avenue to recover damages caused by industrial action. We would introduce minimum wages legislation and also essential services legislation. Perhaps the Minister would like to tell us whether he plans to ever introduce essential services legislation. We would also introduce a code of industrial practice to encourage conciliation and negotiation in disputes.

When we launched this policy last year, by the way, there were screams and howls from the Government and the unions, and in particular from the Andrews Sisters. On 30 January the assistant secretary of the Trades and Labour Council, Maureen Sheehan, said that the Liberal Party misunderstood industrial relations. She went on to say:

That's because, basically, industrial relations in the ACT is controlled by federal awards and the ACT Government has no power to legislate to override award conditions. There is simply no capacity for voluntary agreements which are inferior to awards.

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She happens to be in disaccord with her Federal colleagues on that point. What a load of bulls-bully, Madam Speaker, if you will pardon the expression. I would suggest to Ms Sheehan that she has misunderstood Liberal Party policy or is trying to protect the vested interests of her members, whatever the cost to the community, and the unions just do not care - "We're all right, Jack".

Of course the ACT does not have the power to override Commonwealth legislation. We are not talking about that. With all respect, the Government has missed the point, and is either extremely silly - - -

MADAM SPEAKER: Order! Your time has expired.

Motion (by **Mr Humphries**) negatived:

That Mr De Domenico be granted an extension of time.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (3.40): The forms of the house are something that members have to understand. Fifteen minutes is the limit on an MPI, as mine will be, and I, of course, will not seek any extension of time.

Mr Humphries: You have had extensions before.

MR CONNOLLY: Never on an MPI. Madam Speaker, before I begin I would like to congratulate you on your fine inaugural speech. I was particularly struck by your allusion to those members of a conservative bent who wander aimlessly in the right-wing ideas supermarket - I think that was your phrase. We have just had a trolley load of goods from that right-wing ideas supermarket, have we not? I have never heard such a mishmash of ideology and basic misunderstanding of public administration.

Mr Kaine is wont to often get agitated about knowing what the brackets mean, which is his major contribution, it seems, to public administration. The other thing that members should know, apart from what the brackets mean, is what the dates on an annual report mean. If Mr De Domenico had read the annual report which he cites as an indictment of ACTION and inefficiencies in ACTION, he would have read at page 2:

Dear Minister -

addressed to me -

I have pleasure in submitting the ACTION Annual Report for the year to 30 June 1991.

I think I was Minister for about two weeks of that period, and I am happy to accept the responsibility for the two weeks. This report is a report on the administration of his Government, or rather of Mr Kaine's Government. This MPI should read, "The inability of the Alliance Government to achieve necessary efficiencies in ACTION, leading to the need for Labor to come in and clean up the mess", because that is exactly what has happened.

Much was heard about meal allowances. Mr De Domenico seems to think he has found a little goldmine on the meal allowances issue. As was pointed out in question time, this was an issue that was brought to the attention of the public

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and the Government through the Auditor-General. Nothing seemed to happen when the report was tabled in February, but when Labor came to power we addressed it. We took it to the Industrial Relations Commission, which is the appropriate forum to resolve these matters. The Industrial Relations Commission accepted that meal allowance was an appropriate entitlement for workers, and it is.

I am happy to say that. Mr De Domenico seems to have a problem. He calls it a rort. I do not see anything inappropriate in workers getting a meal allowance when they are required to work overtime. It is a condition of many awards, including, as I think I pointed out in question time, the award under which the personal staff of Mr De Domenico and all of us work. So, what is wrong with it?

Mr De Domenico: The Auditor-General called it illegal; I did not. The Auditor-General did.

MR CONNOLLY: Yes, he did, and we fixed it. We took it before the Industrial Relations Commission and we got the award varied. What did Mr Kaine say? This is what Mr Kaine said on 8 August 1991 in this Assembly, speaking on his report No. 5 of the Public Accounts Committee:

The Auditor-General found that ACTION was continuing to make illegal payments of meal allowances to workshop staff. The committee notes ACTION's comments that payments would continue and that the matter would be addressed in structural efficiency negotiations.

That is what we did, and we got the award varied. He continued:

The committee ... will monitor the action taken in respect of the Auditor-General's concerns ...

There is the Public Accounts Committee, the proper watchdog of public administration, having absolutely no concerns with what is going on, and here is Mr De Domenico saying, "It is a scandal; it is a rort; it is outrageous". Mr De Domenico, you are just wrong. The matter has been fixed up. It has been addressed by the commission. It is an appropriate payment and it is continuing under the endorsement of the Industrial Relations Commission. So, that was nonsense.

We then come to this charge of inability to achieve necessary efficiencies in ACTION. This report, when read particularly in conjunction with the previous year's report, is cause for real concern. I acknowledge that. What this report shows is that during a period of Liberal administration, if you could call it that, all the indicators were going the wrong way. Mr De Domenico is getting extremely agitated and excited at the fact that this report shows that the number of buses has gone down and the number of staff has gone up. Indeed, that is what this shows, under your administration.

Mr De Domenico: What are you going to do about it?

MR CONNOLLY: It is not what we are going to do about it, Madam Speaker, not this airy-fairy idea that we will fix it with this right-wing rhetoric; it is what we have done. We have been in office now for approaching nine months. We have been at the hard grind of public administration and we have achieved real results. Let me talk about - - -

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Mr De Domenico: What have you done?

MR CONNOLLY: Mr De Domenico is excited about the ratio of staff to buses. In 1989-90, the period in which my colleague Mrs Grassby was Minister, there were 1,016 staff and 479 buses. In 1990-91, this period in which the Liberals were in power, there were 1,091 staff - a bit of a jump on staff, up 75 - and 463 buses, a bit of a reduction in buses. There were more staff and fewer buses. This is Liberal efficiency at work, Madam Speaker!

Mr De Domenico: What are you going to do about it?

MR CONNOLLY: Not what we are going to do; what we have done.

Mr De Domenico: What have you done?

MR CONNOLLY: As of today there are 1,059 staff - that is a reduction of 32 staff, but an increase of four apprentices. We are still taking on our apprentices; we are still fulfilling our important obligation to provide trade training for this community. We have reduced the number of staff - - -

Mr De Domenico: What about providing buses when people want them, though? What about providing buses?

Ms Follett: Madam Speaker, I raise a point of order. Mr De Domenico's continual interjections really are getting to the point where you cannot even hear the speaker who is on his feet. I would ask you to call him to order.

MADAM SPEAKER: We did hear your first speech, Mr De Domenico; we do not need to hear it again, thank you.

MR CONNOLLY: Thank you, Madam Speaker. What we have done is this: There are 1,059 staff - we are down 32 staff, but we are still employing apprentices - and there are 465 buses as of today - more buses. In contrast, with Mrs Grassby as Minister or Labor back in with me as Minister, we have bus numbers going back up and staff numbers coming down. When you people were running the show, or thought you were running the show, staff numbers were going up and bus numbers were coming down. That is Liberal efficiency at work!

This matter of public importance is simply wrong. This Government has the runs on the board in relation to achieving efficiencies within ACTION. Let us look at the level of subsidies, because this report notes that one of the management imposed goals within ACTION - in fact, the principal strategic goal - is to reduce the real operating subsidy per passenger boarding. This report notes that that in fact increased, and that is quite right. It was \$2.15 real subsidy per passenger in the period of the first Labor Government; it increased to \$2.22 real subsidy per passenger during the period of this report; and we have now got it back to \$2.15. It is back on track, Madam Speaker; back on track and heading for efficiencies. The period of the Liberal - - -

Mr Humphries: Is it enough?

MR CONNOLLY: No, it is not good enough and we will do more. The point is that when you people had the reins of power in this place, when you people were out shutting down schools and ripping into the health system and generally

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messing up the place, the trends were all in the wrong direction; we were trending to chaos. We have it back on track and are heading in the right direction, and we will continue to achieve reforms.

Let us look at recurrent expenditure. It is a pity that Mr Kaine has been called away, because he is the one who is always on about Labor being big spending. Recurrent expenditure in ACTION increased from the period of the first Labor Government, from the 1989-90 year, to the 1990-91 year, the year of this report, by \$7.5m. This is the efficient Liberal Government! There was a \$7.5m increase in expenditure. Under the Labor Government it is down \$2m. We still, unfortunately, have not got it back to the level it was at under the first Labor Government - we are still cleaning out the stables that you left - but it is on track; it is in the right direction. On every indicator, and I am really looking forward to tabling next year's annual report, we are heading in the right direction. You people in government were unable to cope; you were unable to manage.

That is the joke about the ACT Liberal Party. They claim to be a party of management and on every test - Mr Berry's within the hospital system, here within the bus system - they are failing. You are not managers. We see how you manage your own internal affairs. You cannot manage public administration and you cannot even understand an annual report, because you are getting excited about what this annual report shows during the period that you were in government. It is just absurd.

Let us see what else we have achieved, not are going to achieve. During the past 12 months we have introduced a significant number of new ACTION services into Tuggeranong, and additional express services. These were introduced not only without additional resources but also in the context of reducing the resources provided to ACTION by some \$2m. We are bringing back that recurrent expenditure by some \$2m, from its peak under the Liberals, and we are providing new services. Included amongst those new and innovative services is the free Downtowner Civic Circle bus service, which my advisers note was used by a political party for its launch of its transport policy. I wonder who that could have been.

Mr De Domenico: It was us, and we were the only ones on it, Mr Connolly, let me tell you.

MR CONNOLLY: So, there you go. Nobody would have wanted to get on, with a bunch of Liberal politicians launching a policy. I am not surprised. Who would?

Mr De Domenico: In fact, they would have cancelled the thing had we not been there waiting to get on the thing.

MR CONNOLLY: If you look out on any given day, you will see that that is a very widely patronised service, introduced - - -

Mr De Domenico: No.

MR CONNOLLY: Mr De Domenico is going to scrap it, I suppose. Is he? I will be pleased to tell the public that. It was introduced in the context of a declining recurrent ACTION budget, introduced in the context of a Labor Government achieving real savings by sensibly getting on and negotiating change, negotiating reform. What else are we going to do? We have achieved our reduction in staff,

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which you failed to achieve. We have more buses on the road; you failed to achieve that. We are reducing expenditure. We are going to introduce the revised ACTION network as of 6 July.

Mr De Domenico: At what cost? What deals have you done?

MR CONNOLLY: That has been endorsed at a saving, Mr De Domenico. You see, they are constantly obsessive about doing deals. That may have been the way they did things; that may have been the way they ran public affairs.

When we had a problem within the system, when we had a disagreement with the union - we had industrial action; we had three days on which the network was closed down because drivers withdrew their labour; we had another day on which there were bans on the collection of revenue - what did we do? We got the matter into the commission. What was the result? We got an agreement that everybody go back and work; we got all the bans lifted; we got an agreement to get the network running by 6 July, which was our timetable. We have an acknowledgment that reform has to occur within the context of the ACT budget, which means an acknowledgment that we have to continue down the reform process, and we have management and union talking again.

That, Madam Speaker, is sensible industrial relations. These people savour the rhetoric, the hairy-chested approach of "Let's get stuck into the unions; let's kick a few heads". Do not worry if it causes chaos; do not worry if it achieves nothing. It sounds good in rhetoric. We have runs on the board in this area and we are producing real results.

An interesting parallel with this is the processing of redundancies within the ACT public service where, as a result of the budget decision, we were committed to 250 positions. Within my portfolio, Urban Services, 120 were identified and either they are all gone or they have been identified and are about to go out the door. You people, during the period when that was first being announced, were desperate to get everybody sacked tomorrow. You were going to go in and wield the axe and get everybody sacked. Apart from the fact that that would have been unlawful and inconsistent with award and statutory provisions, it would have caused industrial chaos.

What Labor did was negotiate with the unions. We talked with the unions, both at the TLC peak level and at the workshop delegate level, and we have achieved that significant reduction in the level of the ACT public sector without a single industrial dispute, without a day being lost within the whole APS through industrial disputation. That shows, Madam Speaker, what a Labor government can do to achieve reform and efficiency, by a sensible process of respecting the rights of workers, respecting the unions and talking with them and achieving real reform, instead of this empty, hollow rhetoric that we hear from the Liberals.

Madam Speaker, the runs are on the board as far as the ACT Labor Government's ability to achieve efficiencies in ACTION is concerned. Sadly, this document shows that the Alliance Government, when it was in power, was totally unable to come to grips with the running of this important, indeed vital, public service, the transport service. What this report shows is that in the period after the first Labor Government, when you lot had the reins of power, you completely stuffed it. You were out of control. On all indicators, you were pointing in the wrong

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direction - expenditure was up, staff numbers were up, services were down in terms of the number of buses on the road, subsidy levels were up, and everything was going out of control. The figures to date are all trending back in the right direction.

We have staff numbers down while still employing our apprentices. We have the number of buses up. We have the real subsidy back to where it was originally and trending in the right direction. We have a new network about to start which will provide even more services, particularly in the southern areas of Canberra in Tuggeranong, where they are most needed, where the dynamic growth sector is, and we have plans to get service into Gungahlin - all within existing resources.

Madam Speaker, this MPI is a joke. To suggest that the figures show that Labor cannot manage the system is farcical. What the figures show, what this report that Mr De Domenico got so excited about shows, is that during the period when Mr Kaine was in charge the system was in chaos. We are getting it right.

MR WESTENDE (3.55): Madam Speaker, first of all, congratulations on your inaugural address. It certainly was refreshing. I would like to remind Mr Connolly, when he continually refers to the Liberal Opposition, that we now have a Liberal Opposition, not a combination of Liberal and Alliance. I think you will see a different sort of attitude and a different sort of Opposition from what you had before.

Madam Speaker, there can be no doubt that the ACTION bus service must undergo a process of rationalisation. Apart from the plain commonsense approach to this, the ACT can surely ill afford unnecessary demands on the public purse when there are so many more programs deserving of funding. The ACT Government would know the shortfalls in meeting so many more important programs.

The Follett Labor Government has indicated its intention to pursue rationalisation of the ACTION bus service, and the Opposition is fully supportive of this approach. We would, however, approach it differently and much more radically. We, as a government, would reduce as much as possible any need for subsidy, and I will come to this point in a moment. Nevertheless, the Government is correct in its stated intention to reduce the deficiency.

The point of concern, however, Madam Speaker, is whether these good intentions of the Government can be converted to good and productive actions. If the TWU realises that the Government is not prepared to make the necessary reforms it will continue to get away with the kind of inane action it took last week. Within only its first two weeks of office the Government has been confronted by the TWU. The union has made its intentions known and has signalled to the Government that it is not prepared to toe the line with respect to the necessity to tighten up the ACTION bus service.

The Government appeared powerless to do anything about it. In fact, for several days the union would not even provide the reasons for the dispute; nor, indeed, did it give any prior warning or notification to the Government or, even more importantly, to the commuting public. This clearly reveals that the union has certainly lost sight of cooperation both with the Labor Government and with the ACT public. This raises great doubt as to whether this Government is prepared to make the necessary hard decisions and, more importantly, to implement them.

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Madam Speaker, it is one question for a union to press for proper conditions for its members; it is an entirely different question to interfere in the process of effecting better management whereby vital and much needed savings can be achieved and a more efficient service can be provided.

The Government has a mandate to manage the affairs of the Government in the best interests of Canberra, and especially in the best interests of the taxpayers, not the TWU. Strong measures and, if necessary, strong action should be taken against the TWU if it continues to pursue this course. There is no question that the TWU must certainly be involved in the process of consultation. It must certainly be given the opportunity to put its case. But the ultimate decision and the responsibility for effecting efficiency must lie with the ACT Government.

Government must demonstrate strong leadership in this regard. It cannot allow the school bully to throw its weight around. The Government has the support of the Opposition in this matter of improving the efficiency of ACTION. It has the support of the Canberra community. So, let us get on with it. The case against the union action is strong. They have no credibility in the matter of the strikes of last week.

The TWU claims that it has the interests of the Canberra people at heart, but how does it explain to the people of Canberra why it created such a considerable inconvenience to the Canberra public, especially to the schoolchildren? Madam Speaker, this is a classic case of the union shooting itself in the foot as it were. Where is its credibility? Where is its genuine interest in Canberra commuters? Where is its interest in producing an efficient bus service? As one Canberra citizen quite rightly asked in a letter to the editor of the *Canberra Times* on 7 April:

When is ACTION going to run the ACT bus service for the public and not the unions and the drivers? It's a disgrace and a joke.

Madam Speaker, there is no sympathy out there in the community for this type of action by the unions, and there would be little sympathy also for the Government in the unnecessary overspending of the taxpayers' hard-earned money on a service that can achieve considerable cost savings without affecting its service. In fact, changes to the operation can increase efficiency in every respect. It can be made more attuned to the commonsense principles of supply and demand. I am sure the Government would agree entirely that the TWU cannot be permitted to obstruct progress in achieving efficiencies within ACTION.

Madam Speaker, I would like to run briefly through what we see as the glaring inefficiencies at present. There is clearly no commonsense in running large buses in off-peak periods, although we can appreciate that sometimes it is necessary to keep those in reserve as they have to be used in peak periods. There must be a more flexible approach to handling these off-peak periods. This is clearly a target area for rationalisation of ACTION.

A public bus service could be provided in some instances by private operators, which could make the service more flexible and efficient, especially through some of the suburbs. Purpose built minibuses or medium size buses could be utilised.

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This could also include purpose built buses for the disabled. These kinds of buses could also be used for regular connections to other modes of transport, such as rail and air. This approach could also see the retention of the 333 core service to interchanges. I am reliably informed that by just increasing the fares by 10c per person on this core service you would eliminate any losses on this type of service alone.

It is well worth observing, Madam Speaker, that commercial bus operators in the tourist industry have been using minibuses, where desirable, quite widely. The reason for this is that the commercial world has to respond to the requirements of competitiveness and cost efficiencies or it simply cannot survive. I am not advocating that ACTION purchase a fleet of minibuses or medium size buses, as it would only accelerate the financial problem.

The ACT transport system will always require considerable subsidisation; so all it wants to do is trim it around the edges, save a million here, a million there. But this is a ridiculous and hackneyed response. What it needs is a much more radical approach. There are much greater savings to be made. We do not have to be losing this kind of money.

ACTION is not a cheap transport system. The average cost of bus travel is quite surprisingly high and is, in fact, quite comparable to the cost of a taxi fare. For instance, to transport a couple of adults by bus from, say, Weston to Civic and return costs about \$24.88, which is about the same as a taxi fare for the same journey. Furthermore, there are inequities in the use of government transport systems to assist the socially disadvantaged. The available figures on ACTION make it clear that the chief group to benefit from ACTION's subsidy are employed commuters and their children.

Subsidising buses benefits only those who use buses - a very small percentage of travellers - yet each household subsidises this service in the order of some \$640 per year. The question that can be legitimately raised, therefore, is that each household would, I am sure, choose to spend that \$640 much differently.

MADAM SPEAKER: Mr Westende, your time has expired.

MR LAMONT (4.05): Madam Speaker, I rise to speak with some authority about the efficiencies which this Government has been able to achieve in ACTION, despite - - -

Mr De Domenico: You.

MR LAMONT: I take that as a compliment, quite frankly.

Mrs Grassby: I would, if I were you.

MR LAMONT: I certainly do. If that means that in my previous role I was doing what I should have been doing, and that was looking after my constituents, the members of the Transport Workers Union, then I am quite proud to acknowledge that I did that, just as I am quite proud to acknowledge that in representing the constituency of Canberra I will do exactly the same thing; I will represent their views as well.

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I will not trot out the sort of ideological troglodyte line that we have heard here this afternoon. There are a few other things that should be put on the record. It must have been quite funny this morning in the Liberal Party's party meeting. What happened, Madam Speaker, is that this MPI was raised by a previous Liberal member on or about 14 August last year. Exactly the same question was asked in this house. I think the person's name was Stefaniak. I believe that he was a Liberal MLA. I recall seeing in the paper a photograph - I think it was taken at the front of the Assembly - of him being wheeled out by the Opposition Whip in a garbage bin. It was quite obvious that they did not take out his previous questions at the same time. It shows you just how bereft the Opposition is of issues to raise when they have to find Stefaniak's old questions, left in the bottom of his drawer, to raise as the first matter of public importance of the new Assembly. But it is fairly typical of the way that the Liberals intend to approach industrial relations.

What sort of approach is that, Madam Speaker? It is fairly typical, one would suggest, of those policies which, for 13 years, Margaret Thatcher inflicted on the people of Great Britain, creating a wasteland, north of London, in the whole of the rest of Great Britain. That is the type of policy that our people across this chamber wish to inflict on the people in the ACT. Rather marvellous!

The other point is that the MPI is factually wrong. The Minister has quite clearly indicated, because of the report tabled here in this house yesterday, that in fact the excesses that the Auditor-General was talking about were under the stewardship of the Leader of the Opposition, the then Treasurer; the person who also, after some people got a bit of sense in this house and kicked the Alliance Government out, as chairman of the Public Accounts Committee, let them go on. He did not comment on them. So here today, in the first matter of public importance, they raise this issue which is factually wrong. They raise an issue which is a rehash of a failed attempt in August last year written by somebody whom the people of Canberra quite clearly said they did not want to represent them any more, because he is not now sitting in this chamber. Not only is it a rehash, not only is it factually wrong; but it also gives the opportunity for the troglodytes to march out the true liberalist Lamborghini philosophy of industrial relations. It is something that you would expect of the zealots on Hewson's staff, but not down here.

We assumed that there might be a breath of fresh air with the Opposition. Unfortunately, we were wrong. All they can do is look in disused bottom drawers and pull out matters to put on the table, because they cannot think of anything else. It is typical; that is it.

Mr Wood: Bring back Bill.

MR LAMONT: That would not be a bad conclusion to this afternoon's debate. At least, over the next 12 months we might get a few decent MPIs from the Opposition, something of substance rather than an opportunity for them to get up and ramble on with the ideological claptrap that one would expect from the Lamborghini brigade on the hill. We might get something of substance that we could talk to and debate properly in this house, rather than this nonsense.

It is interesting that people opposite talk about "our new industrial relations policy". What does the Liberals' industrial relations policy mean? What does it really mean? It means: Stand them up and knock them down. That is what it means. It does not look after the social interests of the people in Canberra. They are not interested in that. All they want to do is set up a "for sale" sign, have a look for one of their mates who might have a bus company here, or might have a truck company there, and say, "Hello, we can sell this off to them - exactly the same as their ideological colleagues did in New Zealand.

Mr Humphries: It worked pretty well over there.

MR LAMONT: Yes, it worked very well! You are dead right, Mr Humphries. I am pleased that you raised that. It did work very well! It has closed almost entirely the public transport system in New Zealand, exactly the same as it did in England. That is all that their policy, the "privatisation for our mates" philosophy, will deliver. We as a government reject that. The ALP rejects that, Madam Speaker. That is not what we wish to see occur in the ACT.

We stand quite proudly on our record of industrial relations. It is a proper industrial relations policy. It is one of saying that when you determine to do something in an enterprise you should consult with the people who make the wealth of the enterprise, and that is the people who work in it. I have a real problem in addressing these people in a sensible fashion on questions of industrial relations. This might surprise you, Madam Speaker; but this is more to do with Marx than with anything else, and when I say "Marx" I really mean Harpo, Groucho and Chiko Marx because the Liberal policy is the sort of policy you would expect from the three of them.

Getting back to the substance of this issue, this Government has a proud record on all three occasions that it has formed the Government in this Territory. There has been a commitment today from the Minister that we will continue conducting industrial relations in a sound and proper fashion. Yes, there will be times when there are irreconcilable differences between the Government and people who work for them, just as there are at times irreconcilable differences in the private sector between labour and management. But we have a process which sees a reasonable resolution of those difficulties. It is not one of confrontation. It is not one of stand them up and knock them down; it is not one of rip it off and sell it off.

Ms Follett: Cut them off at the knees.

MR LAMONT: That is exactly what their policy is, Madam Chief Minister. We will not allow that to occur while the ALP is in government in the ACT, and we make absolutely no apologies for that.

I would hope, Madam Speaker, in conclusion, that over the next 12 or 18 months we can look across this house with some confidence and actually have an MPI of some substance, not one rehashed out of the bottom of Bill Stefaniak's drawer; something that is of major significance to the people in the ACT; an issue which needs to be put on the agenda and is of some importance, not a rehash, not the ideological claptrap we have heard from across this chamber this afternoon. Madam Speaker, I believe that this MPI should be addressed at congratulating the ALP Government on the basis of its industrial relations policy, and it may be appropriate at the conclusion of the debate that we move that way.

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MR KAINÉ (Leader of the Opposition) (4.15): I was disappointed in the last speaker. He said that he was going to introduce some rationality and get back to the issues, and he did not; he continued the same ranting and raving as the others on the other side of the house. I would like to bring us back to what this matter of public importance is about - unnecessary industrial disputation and additional cost to the community. Those two facts are indisputable.

Anybody who tried to drive his car around Canberra on the last two or three days found the roads absolutely clogged with private motor vehicles. In Adelaide Avenue, even with the bus lane available, there were three lanes of traffic clogged along Adelaide Avenue. Just calculate the cost of that to the community. Just calculate the cost while the buses were off the streets and Mr Lamont and his mates were having a little argument before the Industrial Relations Commission which need never have taken place. It was unnecessary. People were going off half-cocked, without understanding each other. They should have spoken to each other about it beforehand and sorted out the issues. They would not have had to go to the IRC.

Not only was there an actual cost to people over the last two to three days from using their motor vehicles when they could have travelled more cheaply in the bus; but the IRC has now imposed permanently on the taxpayers of this community the additional cost that came out of the very issues that were in dispute. The illegal payments are now legal ones. They are embedded permanently in there. This rort whereby drivers of articulated buses who drive them for only three days a week are paid for the full week - they are paid for work they do not do - is now permanently embedded into their conditions of service. So, it not only cost us an additional cost this week but also has now cost the taxpayers of the ACT who pay this enormous subsidy to transport a permanent ongoing cost every year.

The facts of this matter of public importance are absolutely indisputable. Mr Lamont and others can rant and rave, but you cannot get away from the basic facts. He said that we pulled it out of the drawer from last August. Of course we did, because that was eight months ago and your Government has done absolutely nothing since.

You talk about these things coming up during my stewardship. Who was chairman of the Public Accounts Committee when that Auditor-General's report was tabled? There she is; our present Chief Minister. What did she do about it? Absolutely nothing. She took the Government in June and this is now April 1992. What has she done in the meantime? Two months after that report was tabled she became Chief Minister and Treasurer and she has done nothing since. So, let us put the blame where it belongs. Let us be rational about this.

Mr Lamont talked about talking to the unions. During the stewardship of my Government we did just that, and Mr Lamont was one of the many trade union secretaries who came into my office and had discussions with me on a whole range of subjects, and we headed off the disputes.

Mr Lamont: Only because we could not get any sense out of your Ministers who were responsible, and we did not get much out of you.

Mr Cornwell: We checked the silver after you left, too, incidentally.

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MR KAINÉ: Did we not, Mr Lamont, head off industrial disputation because you and I, and other trades union secretaries, met in my office and discussed the issues?

Mr Lamont: Madam Speaker, I rise on a point of order. There has been an interjection across the floor which casts great doubt about my own honesty and I seek to have it withdrawn.

Mr Cornwell: I withdraw, Madam Speaker.

Mr Lamont: I would have presumed, Madam Speaker, that an apology would have been appropriate at the same time.

MR KAINÉ: I would add, Madam Speaker, that I in no way am impugning Mr Lamont's integrity, because he and I did discuss the issue. In fact, the trade unions so valued my input that they even borrowed my notes one time. They were so impressed with my input to the debate, which then led to very satisfactory outcomes for everybody concerned, that they borrowed my notes, because they were so excellent. We did talk to the trade unions and we had very good relationships with them. Some trade union secretaries, who shall remain nameless, even used to come into my office of a Friday afternoon and have a drink with me. That is the way you do business with the trade unions. You do not kick them in the head. We are not trying to kick the trade unions in the head; we are trying to kick this inept Government in the head. They are the people that let the thing boil up to the point where it became an industrial dispute and became a strike.

If Mr Connolly for one moment had appreciated and understood the problems that the drivers out there were having, we would never have had the strike. There would never have been these unnecessary costs imposed upon the community. It would have been all sorted out if it had been my Government. Mr Lamont and I would have sorted it out on the fifth floor. The drivers would have been happy, the passengers would have had the vehicles there, the schoolkids would have been able to go to school, and there would not have been millions of cars blocking all the freeways. This is a worthwhile debate. It was a subject that needed airing.

In concluding I would like to talk about people making claims about what happened when I was Chief Minister or when I was something else. I would just like to point out the lag. When I was Chief Minister, everything that happened during my regime did not start the day that I became Chief Minister. I inherited the results of what had happened before that. There is always about a 12 months' lag. During the 1991 period, the year after we had a Labor Government, we got all the clag. So, there was a deterioration in things. Along came a Labor Government in 1991 and they inherited all the good things that were done during the Alliance Government. They started to take effect.

I will quote you some figures from ACTION's report. I am sure that this is an authoritative report. It notes that expenditures increased significantly during the period 1987-88 to 1991. In the year 1989-90 the Government contribution was only \$26.2m. In 1990-91 it was \$45.6m. That was not because of anything I had done. That was because of what I inherited from the previous Labor Government. The cost of running ACTION buses almost doubled from 1989-90

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to 1990-91 so far as the public contribution was concerned. That was an inherited thing. It did not just happen the day I became Chief Minister. What we will probably see for 1991-92, when this new Government is here, is that it will drop off significantly when the next set of figures are published. They will show that they are benefiting from the results of our good work when we were in government. Sadly, that is the way life is. Labor was able to claim the benefit of our good work and we had to wear the bad consequences of theirs. So, you win a bit and you lose a bit.

In that respect I would like to note that the Chief Minister often makes much of the fact that the size of the ACT Government Service increased during my time as Chief Minister. In fact, if she takes a look at the last annual report put out by her own Head of Administration, she will find that, during the year that she was Chief Minister and had her budget, the public service increased by about 450 people, and during the following year when I was Chief Minister it was reduced by a greater number than that. At the end of the two-year period there were fewer people on the ACT Government Service payroll than there were when she started. People cast these figures about, but they need to be sure that their figures are accurate and that they can sustain them.

This is a good subject for debate. It needed to be discussed. It needed to be discussed because this Government failed to do anything - - -

Mr Moore: Bill Stefaniak is still writing your MPIs.

MR KAINE: Mr Stefaniak had a good idea in August and it is no less a good idea in April 1992. I commit myself again, as a prospective Chief Minister, once again at some time in the future to sit down and lend Mr Lamont my notes so that he can sort out his industrial dispute.

MR BERRY (Minister for Health, Minister for Industrial Relations and Minister for Sport) (4.24): This has been the greatest lesson that has been handed out in the few short days of this Assembly. First of all, never let an MPI pass through your hands without looking at it. You have been unceremoniously done over as a result of an ill thought out MPI which really did not get to the point. It was shown repeatedly in the debate that Labor has done a great job in relation to ACTION, and it will continue to do so. I never thought I would see it, but I saw Tony De Domenico speechless with anger when he realised the mistake that he had made. All of a sudden he was speechless with anger. You very rarely find him speechless. I thought he was going to bite the top off his pen at one stage, as my colleagues did him over and over. Mr Kaine, my advice to you is to watch these people because they will get you into very serious trouble. It might be a plot; it could be a scheme - - -

Mr Connolly: It might be deliberate.

MR BERRY: It might be a deliberate scheme. Be very careful in future when MPIs are put up in this place. Make sure that they are not carbon copies of what Bill Stefaniak has written.

MADAM SPEAKER: The time for the discussion has concluded.

POSTPONEMENT OF ORDER OF THE DAY

Motion (by **Mr De Domenico**) agreed to:

That order of the day No. 2, executive business, Aboriginal Deaths in Custody - Ministerial statement and papers - Motion to take note of papers, be postponed until a later hour this day.

LABOR GOVERNMENT PROGRAM Ministerial Statement and Paper

Debate resumed from 7 April 1992, on motion by **Ms Follett**:

That the Assembly takes note of the papers.

MR KAINE (Leader of the Opposition) (4.26): Madam Speaker, I believe that it is important that I respond fully to the Chief Minister's statement of 7 April on the ALP's program for government, because there is much in that statement that simply cannot be allowed to pass without comment. In essence, I wish to expand upon five points which arise from the statement. They are, firstly, the oft-repeated but spurious Labor claim to being open, consultative and socially just; secondly, the assertion that the public has no grounds for saying that they were unaware of Labor's policies; thirdly, Labor's failure to understand or deal with the Territory's economic and financial challenges; fourthly, Labor's propensity for claiming credit for the initiatives of others; and, finally, the falsity of Labor's claims to being supportive of the private sector.

Let me begin by saying that there is more to government performance than merely making grandiose statements about it; statements have to be backed up by action. The Government's claims to openness and consultation and that its program is based on social justice have long been something of a local joke. It would be interesting to see whether the Chief Minister's rediscovery of her commitment to open and consultative government will result in actions rather than merely words this time round.

Consultation is something that Ms Follett and her colleagues have practised only when they have seen it as politically expedient to do so, and then only with those noisy minority groups thought by the ALP to deserve placating. For example, there was no general consultation or social justice in reopening elite public schools at Cook and Lyons and imposing consequential resource penalties on the rest of the school system, or in giving the Trades and Labour Council a \$70,000 freebie - a gift which was disguised in the budget as limited financial support for groups taking part in the consultative process.

There was neither consultation nor social justice in the arbitrary removal of funding from certain private schools. There was neither consultation nor social justice when the Government imposed the one per cent Follett land tax on the single investment home of retired people to provide themselves with a retirement income. This Government, in fact, abandoned public consultation on the Territory Plan right in the middle of the process - a reprehensible action in

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response to the voice of a minority without even waiting to hear the voice of the majority. These are but a few examples of the falsity of Labor's claims to openness, consultation and social justice; but they constitute an indictment of Labor's performance as compared with their pretence.

On the question of Labor's failure to tell the electorate about their real policies, the Chief Minister says, "Let there be no doubt about our agenda". The Assembly and the people of Canberra have good reason to harbour enormous doubts about the Government's agenda. The Government are notorious for saying one thing to the community while in fact pursuing a different agenda which they do not publicise. Ms Follett asserts:

... the policies we announced in the course of the recent election campaign will form the basis of the next three years ...

But she and her colleagues went to great lengths throughout the election to avoid any statement on policy because they knew that the ALP platform was a document that the general community would find totally unacceptable. They did not publicise its existence, and even those who were aware of its existence could get a copy only from Labor headquarters at a cost of 10 bucks. That is what passes for openness to the Labor Party.

There was no discussion during the campaign about that part of the ALP's policy, for example, that promised to "encourage the establishment and development of viable public enterprises using nationalisation". What we heard instead was that an ALP government would "encourage private enterprise". Of course, the two propositions are totally incompatible, and we discover that in reality the Follett Government intends, for example, to return to public sector land development. This is a clear case of Ms Follett making tailored statements that she thought would appeal to the community while in reality there is a quite different ALP secret agenda.

Neither did we hear anything about the Government's intention to establish a freestanding abortion clinic. Presumably they hoped that they could slip that one in through the back door without regard for public consultation or social justice.

Debate interrupted.

ADJOURNMENT

MADAM SPEAKER: Order, Mr Kaine; I am sorry to interrupt you. It now being 4.30 pm, I propose the question:

That the Assembly do now adjourn.

Mr Connolly: Madam Speaker, I require that the question be put forthwith without debate.

Question resolved in the negative.

LABOR GOVERNMENT PROGRAM
Ministerial Statement and Paper

Debate resumed.

MR KAINE: The Labor Party also failed to tell us about their policy for legalising sex between 13- and 14-year-old children, irrespective of gender. When is that one going to come up? We as a community will need, therefore, to be vigilant to ensure that the Government's secret agenda is not implemented. I believe that a great deal of their secret agenda is unacceptable to this community; and clearly so do Labor, or they would have told the electorate about it before the election day.

Moving on to matters financial and economic: There is absolutely no doubt about the need to secure the Territory's future and its economic well-being. Ms Follett, as Treasurer, should be well aware of the difficult financial position that the ACT has had to face and that is not yet completely resolved - very largely, I admit, a direct outcome of past Federal government decisions. Her budgetary solution to difficult times, however, has been the traditional Labor solution - to try to spend her way out of it, including using up the entire \$53m released by the Commonwealth Government last year.

But where are her plans to restructure the public sector, to get the hospital restructuring project completed on time and on financial target? Where is her plan to bring the Territory's financial affairs under control? Where is the Treasurer's commitment to these aims expressed? The answer to all those questions is "Nowhere". After all, if you do not understand the problem, it is impossible to articulate solutions; and, if you are part of the problem, it is even more difficult.

The financial reality is that the transition to a lower level of Commonwealth support has been only partially effected. Next year the Government faces a \$35m budget shortfall before it starts, even without any new policy initiatives being put in place. The Treasurer has an increasing problem, largely of her own making. She has a reducing input of funds from the Commonwealth. She has excluded borrowings as an option. She has avoided all serious efforts to reduce public sector expenditure and has not even succeeded in the modest staff reduction target that she set herself during the current fiscal year. There is only one option left - raise taxes significantly. But the Treasurer will not come clean on that, just as she did not come clean in connection with her secret policy agenda during the election. If the Government is indeed genuine about ensuring economic stability and the viability of the Territory, then it will have to be honest and outline its financial plan, if it has one.

I referred to Labor's propensity for claiming credit for the initiatives of others. Let us all be clear about the successes that Ms Follett has claimed for herself. The transitional funds of \$53m were released not because of any action on Labor's part, but rather because of what the then Federal Treasurer, Paul Keating, agreed had been "the ACT Government's commitment to microeconomic reform and restructuring". That was not the Labor Government that Mr Keating was talking about. That was the Alliance Government's commitment to reduction in expenditure, to reducing the size of the public sector and to further promoting incentives for private sector employment. Even Mr Keating thinks I am a pretty good finance manager, but he could not say the same thing about the present Treasurer.

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Ms Follett also clearly needs to be reminded that the foundations of ACT membership of the new National Grid Management Council, of which she is so proud, had been laid at private meetings between Premier Greiner and me and at meetings that I had with other Premiers in Sydney while I was still Chief Minister. They were not the result of any initiative taken by Ms Follett. Our initiative came to fruition during Ms Follett's stewardship; so she claims the credit, of course.

This Government is so lacking in ideas and originality that it is also falsely claiming credit for other projects. The ACT cooperative research centres, which Ms Follett has been claiming credit for lately, had been projects supported and actively encouraged by the Alliance Government. It was that Government and not the Labor Government that offered tangible support to encourage approval of those ACT based centres, and they were approved largely because the Alliance Government undertook to provide significant support for them. I am sure that the Federal Airports Corporation will be amused - or perhaps not - to hear that their proposal for an international air freight operation at the Canberra Airport has now become Ms Follett's proposal.

The statement that the ALP would honour "its" election commitment to extend the job skills program seems to be a direct lift from Prime Minister Keating's One Nation statement which was delivered only at the end of February. So, I do not see how that could have become suddenly a Follett initiative. On this point I would commend to the Government the coalition's Fightback package. It surely cannot be all that bad if the ALP's Prime Minister Keating has started to poach from it. Perhaps Ms Follett will yet claim the credit for that as well.

Lack of originality, lack of honesty and more of the same seem to be the basis for the program of the third Follett Government. Where are the real initiatives for stimulating the economy? Where are the initiatives for creating real jobs for real people? Where are the moves to provide beds in our hospitals - not statistics, not promises, not obfuscation, but beds? We must have a statement of action from this Government instead of simply a statement.

Ms Follett has also made much of her alleged support for, and encouragement of, the private sector. But let us look at the reality rather than the empty but costly rhetoric. The ACT private sector not only is bearing the brunt of the recession but also has been heavily taxed by Labor at a time when government is asking it to expand its base, provide more jobs for the community and enhance the local revenue base. Rather than providing incentives to do these things, Ms Follett and her colleagues have been responsible for slamming the private sector with a payroll tax Bill in 1989, and in 1991 they slammed the private sector again with a regressive one per cent land tax - actions which are hardly conducive to expanding private sector development or investment confidence in the ACT.

What new taxes do they intend to impose in 1992, with our small business sector already on its knees? Who, other than Labor, would remove \$1m from the Tourism Commission's marketing budget just at the time when a significant downturn in ACT tourism was already becoming obvious?

Mr De Domenico: And think of putting in a bed tax, too, at the same time. They pulled that out only at the end.

MR KAINE: I forgot about the bed tax. So much for the Follett Labor Government's commitment to the private sector. We Liberals produced a comprehensive approach to government during the election campaign. We were honest with the community. We published our policies and we openly discussed them. We have no secret agenda. We have no secret platform. We do have a commitment to the ACT and its welfare - not just economic stability, but social stability. Our policies are on the public record, unlike those of the ALP, and our commitment to the Canberra community is to provide stability and accountability. We have a vision for Canberra and the plan to achieve it, all of it on the public record. But where is Labor's? Their program for Canberra is no program at all. They have failed miserably in articulating their aims, and we in opposition will make sure that the Government is held accountable for its every action or inaction over the next three years.

MR MOORE (4.38): I had not realised that this matter was coming up before the resumed debate on the ministerial statement on Aboriginal deaths in custody. I will move that the debate be adjourned, if that is in order with the other members.

Mr Humphries: I am ready to speak now.

MR MOORE: I withdraw, Madam Speaker.

MR HUMPHRIES (4.39): Every government begins its term of office with what I would call a window of opportunity. It is a chance for that government, with whatever mandate it might have from the election just past. I am not sure what mandate this Government gets with about 39-point-something per cent of the vote, but let us say that it is something of a mandate. That government has a chance to bring forward a series of initiatives designed to set the agenda and designed to put in place its vision, its grand scheme for the future of whatever jurisdiction it might be administering. I think, Madam Speaker, that you said in your maiden speech a little while ago that you saw the task that you personally had inherited at this stage as being to establish a new kind of Territory, a socially just Territory, within the life of this Assembly.

The question needs to be asked, "How do you do that? What do you actually do to get that new vision, that new agenda, up and running?". The answer, of course, is that you quickly set the scene very early in your term for what you intend to do, using your mandate, using the window of opportunity, to get things done before matters start to bear down on you and make it difficult to get things achieved before the end of your term. Particularly in an Assembly where there is not a majority government, that is a very important principle to adhere to.

The question also has to be asked, "Where do you do that?". I would have thought that this statement we are considering today, the statement on the program of the third ACT Labor Government, was the place where that ought to appear. But unfortunately, Madam Speaker, if you have a vision for a more socially just ACT or for a Territory which is achieving new and exciting things, you will be sadly disappointed by looking at the statement for those aims. I ran my patented pledgometer over the statement to find some new promises, something actually different from what we have heard before, something real and innovative about what is going to happen in this Territory in the next three years of ACT Labor government. It did not flicker, because there is nothing at all in this

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statement that we have not heard at least three or four times before in other places or in this chamber. There is nothing at all that is new. Is that the extent of the Labor Government's vision? If it is, I am afraid, Madam Speaker, that it is a pretty poor vision. In fact, as I think my colleague Mr Kaine said, it is no vision at all.

We were told that there was going to be a great build-up with this statement; that there was going to be a great deal of flesh in this statement. We were told that there was going to be a great focus on jobs. Yes, indeed, there is some talk about jobs; but either the statements in here about jobs are not new or the Government is claiming, as Mr Kaine said, the credit for the achievements of others: The casino; the cooperative research centres; the clinical school, and what a turnaround we had on the clinical school; the international freight centre - we have seen the international freight centre trotted out as a great saviour by this Government more times than Dame Nellie Melba had comebacks; and the Gold Creek Homestead.

All those things have been brought forward as great plans to create jobs in the Territory, but they are not new and they do not demonstrate any particular initiative on the part of this Government to see these things happen. It is relatively easy to come along to somebody and say, "I like your idea; have a pat on the head; go off and create some jobs". It is another matter to actually create the environment for job growth. I do not see anything in what this Government has put forward in this statement which will actually do that.

The question of jobs - as I think the Liberal Party has indicated many times before, particularly during the last election campaign - is the critical question facing the Territory at the present time. There is nothing more important than that question of creating jobs. However, this statement touches upon other issues which I think ought to be commented on. I particularly note the fact that this Government is quick to point out that its philosophy of education is different from that of the former Alliance Government - that there will be no schools closing in the life of this Government; that in the life of this Government there will not be any per capita funding, notwithstanding the report that was received a few days ago.

To be fair to the Government, it is perhaps part of a vision to be able to say what you do not stand for - "We do not stand for this and we do not stand for that". But you do require, I would submit, something tangible and concrete in the way of positive action. Perhaps I have missed it in this statement, but I cannot see where it is. I think it is vital to look at a concrete, positive set of steps in the area of education when the problem we face is so absolutely enormous.

According to one report I read the other day, we are something like \$24m overfunded, by State standards, in education. We have ruled out school closures; we have ruled out per capita funding; we want to decrease class sizes, I think I heard the Minister say; we want to do some work on improving funding for high schools. We want to do all these things. How do you do them? Where is the Government's plan for actually achieving any of this plethora of motherhood statements? I am afraid, Madam Speaker, that this Government is negligent in keeping this statement free of details, uncontaminated by any substance. It is also negligent in actually creating an impression that things are going to happen when this statement outlines no means whatever for them to actually happen. Where is the vision for education? Health, I hesitate to comment upon.

Mr Wood: You are not asking about a vision for education; you are asking about a vision for cuts. That is what your vision is.

MR HUMPHRIES: No, I am not asking for a vision for cuts. I want to correct the Minister's misapprehension about this, Madam Speaker. I accept that the Government does not wish to make cuts in the area of education, but it has to face a problem of making cuts across the board because this Territory is not going to have as much money next financial year as it has this financial year. You have to cut or you have to make up money from somewhere else.

Is the Minister going to sustain the levels of education spending? We do not know. How is he going to fund his new initiatives? We do not know. How is he going to face the fact that in several parts of Canberra there are seriously declining levels of enrolment and that under normal circumstances, under either an Alliance government or a former Federal Labor government, you would have seen small schools closing or some other fairly drastic means of reducing the cost of education in this Territory?

Nothing like that has been provided. We have no idea from this statement what is happening in education. All we know is that the Labor Government has given the warm, fuzzy assurance that it will not be closing any schools and it will not have any per capita funding, and that is about it. I sincerely hope, Madam Speaker, that we see a little more substance come forward from the Minister in the next few weeks.

I think I should reserve my principal comments on health until we come to debate the ministerial statement on World Health Day. It will provide significant entertainment to the house when that occurs. The fact of life is, however, that much of what credit is claimed for in this statement is the achievement, basically, of the Alliance Government, particularly the very cornerstone, the principal feature of our hospital system at the present time, the hospital redevelopment project.

Madam Speaker, I want to make one last comment on this statement. I almost choked on the third last paragraph of the Chief Minister's statement. She says:

Madam Speaker, making the Government's legislative program available is basic to our commitment to open and accountable government.

Those of you who were not in the previous Assembly might not be aware of the fight that we had to get a legislative program out of the first minority Follett Labor Government and the difficulty we had in getting any indication of what exactly was happening in the way of legislation from this Government. It was late in the term of that first Government that, after repeated questions in this place, repeated pressure, and I think possibly even an MPI, we finally got a legislative program. Now we hear that a program such as that is "basic to our commitment to open and accountable government". How times change.

Mr Moore: Paul Whalan is not there any more.

MR HUMPHRIES: That could account for a great deal, Mr Moore. Madam Speaker, I really think that we need more than this at this stage. We need something which is going to be capable of inspiring the people of the ACT, at least in the belief, whether well founded or not, that they have here a Government

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which knows what it wants to do and is about to set about achieving it with a vengeance. I would be happy for this Government to use its mandate, such as it is, to get down to the business of charting some positive, ambitious course for this Territory. Even if it were not a course that I agreed with, at least it would be a course for the Territory. I do not see it. This statement, therefore, Madam Speaker, is a lost opportunity.

Debate (on motion by **Mr Moore**) adjourned.

ADJOURNMENT

Motion (by **Mr Berry**) proposed:

That the Assembly do now adjourn.

Capital Works Program - Tuggeranong Valley

MS ELLIS (4.49): I would like to take this opportunity to bring to the attention of the Assembly the positive impacts on the Tuggeranong Valley, and in particular the families in the new and still developing suburbs of the valley, of the accelerated capital works program recently announced by this Government.

Of the total sum of \$35m to be spent in this period, a total of \$14.365m will be spent on the valley. This includes \$7.4m to be spent on Tharwa Drive, \$3.1m on Athllon Drive, \$1.5m to upgrade Wanniasa and Kambah high schools and a massive \$1.5m for the upgrading of Stromlo High School. Also, \$690,000 will be spent on stage 2 of the Tuggeranong Parkway median barrier project. I am personally particularly pleased that \$175,000 will be spent on a neighbourhood house in the new suburb of Conder. These capital works will go a long way in providing jobs for Canberrans over the next and coming years. In particular, this program will provide much needed urban facilities in the Tuggeranong Valley.

Madam Speaker, prior to the election, I personally doorknocked a great many of the Tuggeranong Valley households. This was an invaluable experience for me, and I am able to say that I learnt a great deal from my discussions with the thousands of residents I met. One of the things I discovered was that there was a great need for community support, particularly in the Conder-Banks-lower Gordon area. For those members of the Assembly who may not be aware, these are new suburbs which in many ways are isolated not only from Canberra but also from the rest of Tuggeranong. Neighbourhood houses have been a necessary part of Tuggeranong life and provide an invaluable focus for these small communities.

They not only provide comfortable meeting places but also provide special programs, such as TAFE outreach programs, programs for ethnic women and single mothers, occasional care programs and general support for their community. I considered it essential that a facility such as this become available in this region of Tuggeranong as a matter of urgency, and I applaud Minister Connolly's actions in accelerating that particular part of the capital works program.

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It is also a very important decision, Madam Speaker, to accelerate the roadworks in this area of the valley. A massive \$7.4m, as I have said, will be spent in the next year on improvements. Work is expected to commence in August on stage 2 of Tharwa Drive from Box Hill North to Drakeford Drive and on stage 3 from Drakeford Drive to Johnson Drive. I know that the improvement to access for Conder-Banks-lower Gordon residents to the rest of Tuggeranong and Canberra will go a long way to alleviating the isolation currently experienced by these residents.

I must say that prior to the election there was a lot of scaremongering about Tuggeranong being ignored by this Government after the election. I am pleased to say that this Government has a much greater commitment to the principles of social justice and to the people of Tuggeranong than was being claimed by some of our political opponents. The accelerated capital works program is clear evidence of this continuing commitment to Tuggeranong.

Ms Lyn Lane

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (4.52): While as a Minister I do not make a practice of jumping to speak in the adjournment debate, I think it is important today because today is the last sitting day before the retirement from the ACT Government Service of a very long-serving - some 24 years - staff member who is familiar to all of us who were part of the First Assembly. I refer to Lyn Lane, from the Housing and Community Services Bureau, who is currently serving as my departmental liaison officer. She has been serving in that role since July 1991.

Lyn was one of that small, brave band of officials who were part of the First Assembly. She came in March 1989 on a transfer to that core of people who established the First Assembly. All of us who served in the First Assembly - I am in the unique position of having served for half of the First Assembly - are grateful to the officials who - - -

Mr Kaine: Half your luck.

MR CONNOLLY: I would have got up you more if I had been there for the whole time. We are grateful to that group of officials, who really did so much to ensure the smooth functioning of the Assembly. I am sure that all members who were there that first time around know of and appreciate Lyn's efforts as part of that team and would join me in wishing her well on her severance from the service. We hope that it does not mean that it is the last we will see of her.

Ms Lyn Lane : Iranian Embassy

MR HUMPHRIES (4.54): First of all, I endorse the comments that the Attorney has made. Ms Lane has been a valued member of the Assembly's operations for the last three years. I recall her assistance upon many occasions. Her presence will be greatly missed by all of us who have had the pleasure of knowing her work in the Assembly in that three-year period.

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I want to touch on another matter altogether. Mr Berry invited us the other day, I think a little frivolously, to see whether we had any international issues to raise during the adjournment debate. I do not have an international issue to raise, but I raise a local issue and make an international reflection upon it.

There was, of course, earlier this week the very serious incident at the Iranian Embassy in Canberra, when a number of people broke through the entrance to the embassy, stormed the embassy building and assaulted, allegedly, a number of officials inside that building. There has been a very severe and swift reaction to that. Many comments have been made by a number of people, nationally and internationally, about the security of embassies and so on. I, of course, endorse those comments. It is quite unacceptable that people who serve overseas in foreign missions for their country should be subject to any kind of threat to their security. It is something of a blot on our reputation as a member of the international community that we have had this incident happen in the ACT.

Madam Speaker, I cannot help reflecting on the fact that, if any country in the world was less qualified to complain about a breach of security at its mission, it would have to be Iran. I cannot let pass the reflection that it was only 10 or so years ago that in Teheran the American Embassy was stormed by Iranian students. Members of that mission were held hostage for 444 days, originally by students but subsequently by the Iranian Government itself.

I heard a demonstration earlier this week describe the storming of an embassy as terrorism. I concur with that view and ask members to reflect on what that says about the Government of Iran that condoned the action I have just described. I do not, for one instant, say that action of that kind is excusable - of course, it is not - but we ought to reflect on the fact that sometimes these things come back to haunt us. In this case I think the Iranian Government might be haunted by a few ghosts of its own.

Ms Lyn Lane : SBS News

MRS GRASSBY (4.57): I also would like to wish Lyn Lane the very best. Not only has she served this Assembly and the past Assembly extremely well and been a professional public servant; she has also been a good friend to us all. It has always been very nice to be able to go and ask Lyn a question, because you have always got the answer in the politest and nicest way. I wish her all the very best. I know that she is thinking of a trip overseas, and I hope that she has a great time and enjoys it.

I rise this afternoon to speak on the attack that has been made on the SBS news crew who covered the assault at the Iranian Embassy on Monday. Although I do not always see eye to eye with the media, their coverage of that event this week was a brave act on their part. The criticism is unwarranted. I cannot agree that journalists are required to place their lives in danger to cover a story for public interest. However, in this case they were prepared to do that because they thought it was important.

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I am sure that I do not need to list the world's trouble spots or the unarmed or untrained reporters who have laid down their lives to ensure that the Australian people are kept abreast of the world's news. Madam Speaker, many of us in this chamber remember 1975 for various reasons. I recall the death that year of several members of the Australian film crew who were covering a story in East Timor. To this day, we are still not sure what really happened. I am very sorry that their families are not sure what the truth is. What a brave act those people performed in covering a story. We will never know what really happened.

Madam Speaker, the news coverage of SBS is second to none in Australia, and we should encourage this high standard of journalism. I must also say that the coverage SBS has given will make the identification of the parties involved easier for the police and the courts. Without it, the offenders may have got away and we may not have known who they really were.

I do not wish to see Australians become targets for international terrorism. However, if we have to face these problems I would like to see professionals who have been trained to deal with these situations handle them. Rather than condemn the news crew involved, I praise them for their bravery and their sense of public service. I think SBS do a wonderful job, and we are all very lucky to have such a wonderful service coming to Canberra. We would also like to have an ethnic radio station. On this side of the house and the other side of the house we gave full cooperation on pushing the Federal Government to do this.

I wonder what fell down in the security of the Iranian Embassy so that people were harmed in the way they were. I do not know whether it was the Federal Government's fault or what it was, but I think that SBS should be commended on the wonderful work they do.

MADAM SPEAKER: It being 5.00 pm, in accordance with amended standing order 34, the Assembly stands adjourned until Tuesday, 12 May 1992, at 2.30 pm.

**Assembly adjourned at 5.00 pm until Tuesday, 12 May 1992,
at 2.30 pm**

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ANSWERS TO QUESTIONS
MINISTER FOR THE ARTS
LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 10

Arts Portfolio - Publications

Mr Cornwell - asked the Minister for the Arts

- (1) How many publications, by name, are regularly published by your Department
- (2) How often is each published
- (3) What is the annual cost of each publication
- (4) How much is charged for each publication
- (5) How much revenue is obtained from (a) advertisingin; and (b) sale of each.publication
- (6) What is the print run of each publication
- (7) What is the circulation of each.publication
- (8) How regularly is the circulation list culled for each publication

Mr Wood - the answers to the Members questions are as follows

In the Arts portfolio

- (1) ACT Arts and Special Events Information for Grant Applicants Booklet
- (2) Annually
- (3) Not costed - inhouse publication, but approximately \$1,000
- (4) There is no charge
- (5) No revenue is generated
- (6) Up to 1500
- (7) Potential grant applicants, primarily on request
- (8) Annually

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MINISTER FOR THE ARTS

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 15

Arts Portfolio - Statutory Bodies

Mr Cornwell- asked the Minister for the Arts

- (1) How many statutory bodies, by name, exist within your portfolio
- (2) How many of these bodies or committees within your portfolio, by name, pay sitting fees or an annual remuneration
- (3) What are the fees or remuneration that each of those bodies, by name, pay members
- (4) What is the annual cost of payments to members of each of these bodies

Mr Wood - the answer to the Members. question is as follows:

In the Arts portfolio

- (1) Canberra Theatre Trust
- (2j Canberra Theatre Trust
- (3) It varies between \$96 to \$240 for the chair and \$77.60 to \$194 for trustees, depending on the sitting hours of each session.
- (4) It varies again depending on number of sitting hours undertaken each year, but approximately \$13,000.

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MINISTER FOR THE ARTS

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 17

Canberra Festival

Mr Cornwell - asked the Minister for the Arts -

- (1) What was the cost to government of each of the Canberra Festivals in (a) 1989 (b) 1990 (c) 1991
- (2) What was the estimated return to government from each of the Canberra Festivals listed above?

Mr Wood the answer to the members question is as follows:

- (1) Canberra Festival Incorporated receives an annual-grant to cover its administrative costs in respect of the Canberra Festival through the Special Events and Festivals Grant Program. In the particular years cited it received:

1989 - \$350,000

1990 - \$365,000

1991 - \$390,000

As a major community activity, the event is also monitored by other Government services, such as police, health and safety inspectors and waste management.

- (2) The return provided by the Canberra Festival is to the community rather than directly to government. The Festival is staged so that Canberras residents and visitors can celebrate Canberras birthday. The best indicator of its level of success is the attendance figures for this very popular event. For example, Canberra Festival estimates that over the ten days of the 1991 Festival in excess of the population of Canberra attended the event. In that year, for a grant of \$390,000 Canberra Festival Incorporated attracted sufficient private sector sponsorship to stage a \$1 million event nearly all of which went back into the local economy.

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MINISTER FOR THE ARTS

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NUMBER 18

Community Theatre

Mr Cornwell - asked the Minister for the Arts

- (1) When will the project be completed
- (2) Who will manage the theatre
- (3) What is the estimated annual on-going cost
- (4) From whence will these costs be obtained

Mr Wood - the answer to the Members question is as follows:

(1) The new 250 seat community theatre, to be built on a site at the corner of University Avenue and Childers St., Canberra City, has been included in the Governments 1991/92 Capital Works Program. Construction is anticipated to commence in June 1992 and be completed by mid 1993. The theatre plans are on public display in the Civic Library until Friday 22 May.

(2) The most likely form of management will be by a non profit community organisation, similar to Theatre 3 and the Belconnen Community Theatre. However, in recognising the many and varied users of this facility, the decision will be based on detailed consultation with the ACT performing arts community. During the next two months, my Department will seek written submissions from the community and, in June, convene a public meeting to assist in the establishment of the most appropriate management for the new facility.

(3) My Department estimates that a likely budget for a full years operation of the Theatre will be \$150,000. This may not be attainable in the first year, when staff costs would be kept low to compensate for lower income.

(4) The prime source of funds will be hire charges and sale of goods and services. The lessees will be eligible to apply for assistance from the ACT Arts Grants program

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CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY

ACT LEGISLATIVE ASSEMBLY QUESTION

Question No 40

**Government Service - Credit
Card Accounts**

MR CORNWELL - Asked the Treasurer upon notice on 7 April 1992. In relation to the Governments Waste Watch initiative:

- (1) How many credit cards are in use by officers of the ACT Administration.
- (2) Does the ACT Treasury pay credit card accounts within the no interest period and, if not, why not.
- (3) If credit card accounts are not paid within the no interest period, is the interest thus generated therefore a charge against the ACT tax and rate payer.

MS FOLLETT - The answer to the members question is as follows:

- (1) As at end March 1992 there were 390 cards on issue.
- (2) Contractual arrangements provide for a process whereby the bank debits a nominated bank account for monthly transactions before interest charges apply.
- (3) N/A

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MINISTER FOR THE ARTS

LEGISLATIVE ASSEMBLY

QUESTION NO 75

**Arts Portfolio - Public
Relations Consultants**

Mr Kaine - asked the Minister for the Arts -

What consultants have been engaged in public relations, media, advertising, promotional and related tasks in

- (a) the Ministers Office
- (b) the Ministers Department
- (c) each agency for which the Minister has responsibility

in the period 7 August 1991 to 31 March 1992.

Mr Wood - the answer to the Members question is as follows:

In the arts portfolio:

- (a) There have been no consultants engaged in public relations, media, advertising, promotional and related tasks on Arts matters in the Ministers office in the period 7 August 1991 to 31 March 1992.
- (b) There have been no consultants engaged in public relations, media, advertising, promotional and related tasks through the Arts and Special Events Section of the Department of the Environment, Land and Planning in the period 7 August 1991 to 31 March 1992.
- (c) There are no additional agencies in the Arts portfolio for which the Minister has direct control.

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